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FEDERAL ACKNOWLEDGMENT ADMINISTRATIVE PROCEDURES ACT OF 1989

HEARING

BEFORE THE

SELECT COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE

ONE HUNDRED FIRST CONGRESS

FIRST SESSION

ON

S. 611

TO ESTABLISH ADMINISTRATIVE PROCEDURES TO DETERMINE THE STATUS OF CERTAIN INDIAN GROUPS

APRIL 28, 1989
SACRAMENTO, CA

PART 1

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FEDERAL ACKNOWLEDGMENT ADMINISTRATIVE PROCEDURES ACT OF 1989

FRIDAY, APRIL 28, 1989

U.S. SENATE,
SELECT COMMITTEE ON INDIAN AFFAIRS,
Sacramento, CA.

The committee met, pursuant to notice, at 1:10 p.m., in room 1450, Sacramento Board of Supervisors Council Chambers, Sacramento, CA, Hon. Daniel K. Inouye (chairman of the committee) presiding.

Present: Senator Inouye.

STATEMENT OF HON. DANIEL K. INOUYE, U.S. SENATOR FROM HAWAII, CHAIRMAN, SELECT COMMITTEE ON INDIAN AFFAIRS

The CHAIRMAN. The special hearing of the Senate Select Committee on Indian Affairs will now be in session.

I thank all of you for joining me this afternoon to discuss matters relating to S. 611 and other issues affecting Native Americans in California.

As some of you are aware, I was here 10 months ago to carry on discussions with you on matters of concern, and at that time, I assured you that I would be back again, and here I am.

The measure that we will be discussing today, S. 611, provides a statutory basis for establishing certain administrative procedures to clarify the relationship between the United States and certain Indian groups. It will establish an independent Office of Federal Acknowledgement that is intended to remain free from political pressure. It will authorize funds that will be used in accordance with strict guidelines. And this bill is not intended to preclude special regional legislation that may be proposed to acknowledge California tribes.

I am aware of the tragic and sad history of California Indian tribes and of the many obstacles that you have been facing in acknowledgement. I am also aware that the treaties that were originally entered into were not ratified by the United States Senate, and some tribes were not signatories to these treaties, even though they inhabited certain geographical areas supposedly ceded by these treaties.

So I am very aware of the potential hardships that may have been created regarding eligibility for services if we do not resolve this situation at the present time; therefore, I am looking forward to receiving your testimony on these important matters and receiving any written testimony you may want to submit for the record.

[Text of S. 611 follows:]

II

101st CONGRESS
1st Session

S. 611

To establish administrative procedures to determine the status of certain Indian groups.

IN THE SENATE OF THE UNITED STATES

March 16 (legislative day, January 3), 1989

Mr. Inouye (for himself, Mr. Breaux, Mr. D'Amato, Mr. Dodd, Mr. Hatfield, Mr. Johnston, Mr. Levin, Mr. Packwood, Mr. Pell, Mr. Riegle, Mr. Sanford, and Mr. Shelby) introduced the following bill; which was read twice and referred to the Select Committee on Indian Affairs

---

A BILL

To establish administrative procedures to determine the status of certain Indian groups.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Indian Federal Acknowledgment Administrative Procedures Act of 1989".

FINDINGS

Sec. 2. The Congress finds that—

(1) the first Congress, by enacting the Act of July 22, 1790 (1 Stat. 137; ch. 33), recognized a spe-

cial government-to-government relationship with all of the Indian tribes of the United States, whether or not the Indian tribes subsequently entered into special treaty relations with the United States;

(2) since 1978, the Secretary of the Interior, without specific Congressional direction and authority, has been reviewing, evaluating, and determining whether particular Indian groups, whose status has been in question for various reasons, should be acknowledged as Indian tribes by the Federal Government;

(3) the status of other Indian groups has been acknowledged, restored, or defined by legislative or judicial action, creating the possibility of inconsistent standards;

(4) satisfactory administrative resolution of Indian tribal status questions has been frustrated by inadequate staffing resulting in delays of 8 years or more in processing individual petitions, by inadequate financial resources for research by petitioners, and by a failure to fully protect a petitioner's right to due process and objective administrative review and appeal;

(5) a majority of the petitions for acknowledgment received by the Secretary of the Interior since 1978 are still awaiting active consideration; and

(6) there is an urgent need to strengthen and expedite the administrative process and to clarify the eligibility of Indian groups to be acknowledged as Indian tribes.

PURPOSES

SEC. 3. The purposes of this Act are—

(1) to reaffirm the plenary authority of Congress in the acknowledgment of relationships with Indian tribes and in the fulfillment of the United States trust responsibilities to Indians;

(2) to ensure that the special government-to-government relationship between the United States and Indian tribes has a consistent legal and historical basis based on the inherent sovereignty of Indian tribes;

(3) to establish just, clear, and consistent standards for the administrative acknowledgment of Indian tribal status which ensure that all Indian tribes are accorded equal treatment; and

(4) to expedite the equitable resolution of questions of Indian tribal status by establishing an independent administrative process with adequate staff and resources to process petitions within reasonable time limitations.

DEFINITIONS

SEC. 4. For purposes of this Act—

(1) The term "Indian" means any individual (including any Alaska Native (within the meaning of section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)) whose ancestors were indigenous to at least some part of the United States at a point in time prior to the establishment of permanent settlements by Europeans in that area.

(2) The term "autonomous" means essentially distinct from any other Indian tribe, notwithstanding those social, economic, or other relations as may have been customary among different Indian tribes in the petitioner's region.

(3) The term "Panel" means the Federal Acknowledgment Appeals Panel established under section 6 with respect to a ruling on a petition.

(4) The term "community" means the existence of a network or networks of social interaction among tribal members differentiating members from nonmembers, with due regard to the size, geographic proximity, relative isolation, and institutional character of the group.

(5) The term "continual" means extending from generation to generation, from historical times to the present, essentially without interruption. If a group demonstrates a fact or status at one point in time and

at a later point in time, but no more than fifty years later, continuity of that fact or status will be presumed for the intervening period, absent proof to the contrary.

(6) The term "Director" means the Director of the Office of Federal Acknowledgment.

(7) The term "historical times" means the later of—

(A) 1790, or

(B) the earliest period of sustained contact between the Indian tribe and permanent non-Indian settlements.

(8) The term "Office" means the Office of Federal Acknowledgment.

(9) The term "official roll" means any roll, list or census of Indians prepared or approved by the Secretary of the Interior, or by a court or legislatively-constituted tribunal of the United States, including rolls prepared or approved for the purposes of judgment distributions or the allotment of lands held in trust.

(10) The term "treaty" includes—

(A) treaties made by the United States with, on behalf of, or concerning, aboriginal or Indian tribes;

(B) agreements for the cession of land made by the United States with Indian tribes after March 3, 1871;

(C) treaties made by any sovereign from which the United States acquired territory by either purchase or cession; and

(D) treaties negotiated by the United States with, or on behalf of, Indian tribes in California, whether or not such treaties were subsequently ratified.

(11) The term "interested party" means the State, States, or political subdivisions of a State, in which the principal office, community, or tribal property interests, if any, of the petitioner are located, as well as any Indian tribes whose property or interests may be directly affected by acknowledgment of the petitioner as an Indian tribe.

(12) The term "Secretary" means the Secretary of the Interior.

(13) The term "acknowledgment" means a determination by the Department of the Interior that a group of Indians constitutes an Indian tribe entitled to participate in a government-to-government relationship with the United States on an equal basis with all other Indian tribes recognized as eligible for the special pro-

grams and services provided by the United States to Indians because of their status as Indians.

(14) The term "acknowledge" means to make, on behalf of the Department of the Interior, the determination described in paragraph (13).

(15) The term "Indian group" means any aggregation of Indians that is not acknowledged by the Department of the Interior to be an Indian tribe.

(16) The term "petitioner" means any Indian group that submits a petition for acknowledgment that the Indian group is an Indian tribe.

(17) The term "petition" means a petition for acknowledgment that an Indian group is an Indian tribe.

(18) The term "pending petition" means a petition that—

(A) is submitted to the Bureau of Indian Affairs or to the Director,

(B) has not been finally determined, and

(C) is either awaiting, or has already been the subject of, a letter citing obvious deficiencies or significant omissions.

OFFICE OF FEDERAL ACKNOWLEDGMENT

SEC. 5. (a) There is hereby established within the Department of the Interior an office to be known as the "Office of Federal Acknowledgment", which shall be under the supervision and direction of the Director of the Office of Federal Acknowledgment.

(b)(1) The Director of the Office shall be appointed by the President by and with the advice and consent of the Senate. The Director shall—

(A) be a person familiar with the historical, anthropological, and legal problems of Indian groups,

(B) be appointed without regard to political affiliation, and

(C) be removable for cause.

(2) The term of office of the Director shall be 6 years.

(3) The Director shall be responsible for day-to-day administration of the Office, hiring, discharge, and supervision of staff, financial management, and such other activities as may be necessary to carry out the duties of the Director under this Act.

(4) The Director shall appoint the staff of the Office pursuant to the provisions of title 5, United States Code, governing appointments in the competitive service. The Director shall employ sufficient anthropologists, historians, and support staff to complete preliminary review of all petitions filed under this Act and to comply with the time limitations imposed under this Act.

(c) The Director shall review all petitions submitted to, or transferred to, the Director under this Act.

(d)(1) Upon the request of the Director, the head of any Federal agency is authorized to detail personnel temporarily to the Office to assist the Director in carrying out the duties of the Director under this Act, unless otherwise prohibited by law. The Director may also procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(2) Upon request of the Director, the head of any department or agency of the United States shall furnish such information as the Director deems necessary to enable the Director to carry out the duties of the Director under this Act, unless otherwise prohibited by law. The Director shall report any failure to comply with this subsection to the Congress in any report submitted under section 11.

APPEALS PANELS

SEC. 6. (a)(1) The Secretary shall compile a list of candidates to serve on Federal Acknowledgment Appeals Panels. The number of individuals on the list shall be at the discretion of the Secretary.

(2) The individuals placed on the list described in paragraph (1) shall be experienced scholars in anthropology and the history of the United States who have established national reputations.

(b)(1) Within 45 days of the receipt of comments challenging a ruling pursuant to section 8(e) or 9(d), the Secretary shall appoint 3 individuals from the list described in subsection (a)(1) to serve on a Panel to review the ruling. No appointment shall be made if the petitioner objects under section 9(e) to the referral of the ruling to a Panel.

(2) The Secretary shall—

(A) exercise discretion in appointing individuals to a Panel in order to avoid any appearance of impropriety or a conflict of interest based on any recent contractual employment with the United States, and

(B) strive to ensure that each Panel reflects a broad range of historical and anthropological expertise.

(3) Each petitioner may reject the appointment of one individual to a Panel. If such right of rejection is exercised, the Secretary shall select a substitute from the list described in subsection (a)(1) in order to ensure that each Panel has 3 members.

(c) Each Panel shall establish its own meeting schedule and methods of work. Meetings of a Panel to make a decision shall be public, and opinions of any Panel shall be matters of public record, but a Panel may hold meetings in executive session.

(d)(1) Except as provided in paragraph (2), members of each Panel shall be paid reasonable compensation fixed by the Secretary, together with reimbursement for any expenses incurred by reason of their service on a Panel.

(2) Any member of a Panel who is otherwise employed by the Federal Government (including an employee of the Smithsonian Institution) shall not receive additional compensation for service on a Panel, but shall be eligible for reimbursement of expenses incurred by reason of such service.

PETITIONS FOR ACKNOWLEDGMENT OF STATUS

SEC. 7. (a)(1) Any Indian group which satisfies the criteria set out in subsection (c) or (d), including any Indian tribe subject to any statute which terminates, or prohibits, any special relationship between the Federal Government and the Indian tribe, may submit a petition to the Director seeking acknowledgment that the Indian group is an Indian tribe. The petition may, at the election of the petitioner, be submitted under the criteria set out in subsection (c) or under the criteria set out in subsection (d).

(2) The provisions of this Act shall not apply to—

(A) splinter groups, political factions, communities, or groups of any character which separate from the main body of an Indian tribe after the Indian tribe has been acknowledged as being an Indian tribe by the Federal Government, unless it can be clearly established that the group has functioned from historical times until the present as an autonomous Indian tribal entity, or

(B) an indigenous nation, tribe, band, village, community or organized Indian group acknowledged as an Indian tribe by the Federal Government on the basis of the lists published in the Federal Register by the Assistant Secretary of the Interior for Indian Affairs on July 10, 1986, of Indian tribal entities, including Native tribal entities within the State of Alaska, and including tribes that have been acknowledged by the Federal Government between that date and the date of enactment of this Act that are recognized and eligible to receive services from the Bureau of Indian Affairs.

(b)(1) A petition for acknowledgment may be in any readable form which clearly indicates that it is a petition for acknowledgment under either subsection (c) or (d).

(2) A petition for acknowledgment under this section shall be accompanied by a copy of the petitioner's current governing documents or, in the absence of written documents, a statement explaining the membership criteria and the procedures by which the petitioner currently governs its affairs and determines its membership. The petition shall also be accompanied by a list of all known members, based on the petitioner's own membership criteria and procedures.

(c) A petition for acknowledgment under this subsection must contain information sufficient to establish that the petitioner satisfies each of the following criteria:

(1) The petitioner, or the members of the petitioner, have been identified from historical times until the present, on a continual basis, as Indians. This criterion is conclusively demonstrated by documentation of identification by Federal officials of the petitioner as Indians, or of the existence of a government-to-government, political, or administrative relationship with the United States, or a territory, but only for such times as that identification or relationship is documented. In the absence of such documentation, this criterion may also be demonstrated by the exercise of—

(A) a political relationship with a State, political subdivision of a State, parish, or other local government;

(B) identification as Indians in courthouse, church, or school records, newspapers or books;

(C) identification as Indians by anthropologists, historians, or other scholars; or

(D) identification as Indians by Indian tribes or national Indian organizations.

(2) A substantial portion of the members of the petitioner form a community, as determined by methods customarily employed by social scientists, including but not limited to field research, oral history, kinship analysis, studies of residence patterns, and statistically-

reliable survey techniques. This criterion is conclusively demonstrated by evidence that a substantial portion of the members of the petitioner have continually resided in a specific geographic area which formed at least a part of its territory from historical times. Such territory may include a specific geographic area to which the petitioner was removed, whether voluntarily or involuntarily.

(3) The petitioner has maintained tribal political influence or some other form of authority over its members as an autonomous entity continually from historical times to the present. This criterion can be demonstrated for a particular point in time by showing that the petitioner formed a community at that time.

(4) Not less than 75 percent of the current members of the petitioner are descendants of members of the historical Indian tribe with respect to which the petitioner bases its claim for acknowledgment, or of Indian tribes allied with, or related to, that historical Indian tribe. Official rolls constitute conclusive proof of ancestry. Other proof of ancestry includes—

(A) Federal, State, and other government records,

(B) church and school records, and

(C) affidavits prepared by tribal elders or the governing body of the Indian group.

(5) The membership of the petitioner is composed principally of persons who are not enrolled members of any other Indian tribe.

(d)(1) A petition for acknowledgment under this subsection must contain information sufficient to establish that the petitioner satisfies each of the following criteria:

(A) Not less than 85 percent of the current members of the petitioner are descendants of members of the historical Indian tribe with respect to which the petitioner bases its claim for acknowledgment. Official rolls constitute conclusive proof of ancestry. Other proof of ancestry includes—

(i) Federal, State, and other government records,

(ii) church and school records, and

(iii) affidavits prepared by tribal elders or the governing body of the Indian tribe.

(B) The membership of the petitioner is composed principally of persons who are not enrolled members of any other Indian tribe.

(C) The petitioner—

(i) was a party to a treaty or a successor in interest to a party to a treaty (including any

Indian groups found to be such a successor by the Indian Claims Commission or the United States Claims Court),

(ii) was identified in an Act or resolution of the Congress, or of the Continental Congress, in such a way as to establish or acknowledge a government-to-government relationship,

(iii) was the beneficiary of—

(I) an Executive Order setting aside land as an Indian reservation,

(II) any other land or property held in trust by the United States for petitioner or for the members of the petitioner, or

(III) any land or property subject to restrictions on alienation imposed by Federal law on the lands or property of Indians or Indian tribes,

(iv) was terminated as an Indian tribe by a Federal statute,

(v) was organized under the Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 461, et seq.) through the adoption of a constitution and bylaws pursuant to section 16 of such Act that were ratified and approved by the Secretary,

(vi) voted, or was scheduled to vote, on whether to accept the provisions of the Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 461, et seq.), or

(vii) was the subject of a Federal statute that extinguished, compensated, or confirmed a claim of the petitioner to an interest in land.

(2)(A) A petition which satisfies the criteria in paragraph (1) creates a presumption that the petitioner was previously acknowledged as an Indian tribe by the United States and shall be acknowledged as such under this Act. Once such a presumption is created, the burden of proof shall be upon the Director to rebut the presumption.

(B) The presumption described in subparagraph (A) may be rebutted only by documentary evidence which—

(i) contradicts all, or substantially all, of the evidence submitted by the petitioner, or

(ii) demonstrates that the petitioner permanently abandoned tribal relations or fails to constitute a contemporary community.

The Panel may afford the petitioner an opportunity to respond to such documentary evidence.

(e) In resolving any question of fact in the application of the criteria under this section, a matter shall be deemed to have been proven as fact if the petitioner, or the Director under subsection (d)(2)(B), shows the matter to be more likely true than not. All evidence shall be interpreted in the context of the culture and social organization of the Indian tribes in the geographical and cultural area of the petitioner.

(f) The Director may, for good cause, waive the percentage requirements of subsection (c)(4) or (d)(1)(A) if the petitioner demonstrates that a substantial portion of the members of the petitioner are described in such subsection.

REVIEW PROCEDURES FOR SECTION 7(C) PETITIONS

SEC. 8. (a) The procedures set forth in this section apply to the review of petitions under section 7(c).

(b) By no later than the date that is 90 days after the date on which the petition is submitted to the Director under section 7 or 14(a)(1), the Director shall notify the petitioner in writing as to whether or not there are any obvious deficiencies or significant omissions in the evidence submitted. This notice shall include suggestions for additional research to meet obvious deficiencies or significant omissions, if any, as well as an outline and methodology of any research which will be conducted by the Office to evaluate the petition.

(c) Active consideration of the petition by the Office shall begin by no later than the date that is 90 days after—

(1) the date on which the notice that there are no obvious deficiencies or significant omissions is transmitted under subsection (b), or

(2) if there are obvious deficiencies or significant omissions in the evidence submitted by the petitioner, receipt of the petitioner's final response to the notice transmitted under subsection (b).

(d) By no later than the date that is 180 days after the date on which active consideration of a petition begins, the Director shall make a preliminary ruling on the petition, publish the preliminary ruling in the Federal Register, and provide the petitioner with a detailed written explanation of the grounds upon which the ruling was based. If the preliminary ruling is to deny acknowledgment, the explanation shall include specific findings on each of the criteria contained in section 7(c) and references to all published works, and copies of all unpublished documents and research data, produced or consulted by the Office in considering the petition.

(e) During the 90-day period beginning on the date on which the preliminary ruling is published under subsection (d), the petitioner or any interested party may submit to the Director written comments on the preliminary ruling. Upon request, the petitioner shall be granted an additional 90 days to comment on the ruling.

(f) After publication of a preliminary ruling under this section that denies acknowledgment, the petitioner may request cooperative reconciliation under section 12(a). Cooperative reconciliation under section 12(a) shall suspend the running of the periods of time within which actions are required to be taken under this section for no more than 120 days. The Director may reverse the preliminary adverse ruling if cooperative reconciliation resolves the issues between the petitioner and the Office. Such a reversal shall constitute final agency action.

(g) If not challenged by the petitioner or an interested party within the time provided for comment, the preliminary ruling on the petition shall become final and shall not be subject to judicial review. Notice that the ruling has become final shall be published in the Federal Register within 60 days of the expiration of the time provided for comment.

(h) If the petitioner or an interested party challenges the preliminary ruling on the petition during the comment period, the ruling shall be referred to the Panel for review.

(i) If the Director fails to take the actions required under subsections (b) and (d) with respect to a petition on or before the date on which such actions are required to be taken, the petitioner shall be considered to be acknowledged by the Director as an Indian tribe on the day after such date.

EXPEDITED REVIEW PROCEDURES FOR SECTION 7(d) PETITIONS

SEC. 9. (a) The procedures set forth in this section shall apply to the review of petitions under section 7(d).

(b) By no later than the date that is 45 days after the date on which a petition is submitted to the Director under section 7 or 14(a)(1), active consideration of the petition by the Director shall begin.

(c)(1) By no later than the date that is 120 days after the date on which active consideration of the petition begins, the Director shall—

(A) make a preliminary ruling on the petition which either acknowledges the petitioner or rebuts in accordance with section 7(d)(3) the evidence submitted by the petitioner, and

(B) publish the preliminary ruling in the Federal Register.

(2) If the Director makes a preliminary ruling under paragraph (1) to deny acknowledgment, the Director shall provide to the petitioner, at the time such ruling is published, a detailed written explanation of the grounds upon which it was based, together with copies of all documents produced or consulted by the Office in considering the petition.

(d) During the 45-day period beginning on the date on which the preliminary ruling is published under subsection (c), the petitioner or any interested party may submit to the Director written comments on the preliminary ruling. Upon request, the petitioner shall be granted an additional 45 days to comment on the ruling.

(e) A preliminary ruling under this section that denies acknowledgment shall be referred to the Panel, unless the petitioner submits to the Director a written objection to such referral during the 30-day period beginning on the date on which the preliminary ruling is published in the Federal Register.

(f) If not referred to the Panel, the preliminary ruling of the Director is not subject to judicial appeal. The petitioner may instead submit a petition to the Director for acknowledgment under section 7(c).

(g) If the Director fails to take the actions required under subsections (b) and (c) with respect to a petition on or before the date on which such actions are required to be taken, the petitioner shall be considered to be acknowledged by the Director as an Indian tribe on the day after such date.

APPEAL

SEC. 10. (a) The Panel shall review the record with respect to the ruling referred to the Panel and submit its findings and opinion to the petitioner, the Director, and the Secretary in writing as soon as practicable, but by no later than the date that is 6 months after the date on which the Panel is established pursuant to section 6(b). The record before the Panel shall, at a minimum, include—

(1) the petition for acknowledgment and supporting documentation,

(2) the obvious deficiency or significant omissions letter and response to it, if any,

(3) the preliminary ruling, all material upon which the ruling was based (including files and pertinent documents), and

(4) written comments pursuant to subsection 8(e) or 9(d).

(b) The findings and opinion of the Panel shall be published by the Director in the Federal Register and shall state in detail the grounds on which the Panel either concurs in, or disagrees with, the ruling made by the Director.

(c)(1) If the Panel disagrees with the ruling made by the Director, the appeal shall be referred to the Secretary.

(2) The Secretary shall review the conflicting rulings of the Director and the Panel and shall, by no later than the date that is 90 days after the date on which the findings of the Panel are submitted to the Secretary, make a decision with regard to the petition and publish the decision in the Federal Register.

(3) The publication of the decision of the Secretary shall constitute final agency action for the purpose of judicial review.

(4) No new grounds for denial of the petition may be raised by the Secretary in the decision made by the Secretary under paragraph (2).

(d) If the Panel fails to take the actions required under subsection (a), or the Secretary fails to take the actions required under subsection (c)(2), with respect to a petition on or before the date on which such actions are required to be taken, the petitioner shall be considered to be acknowledged by the Secretary on the day after such date.

REPORT TO CONGRESS

SEC. 11. (a) By no later than the date that is 60 days after the date on which the first Director is appointed, the Director shall prepare and submit to the Congress a report on the status of all pending petitions. The report shall also include a plan for determining the approximate order in which all pending petitions will be reviewed in accordance with section 14.

(b) After the report required under subsection (a) is submitted, the Director shall submit an annual report to the Chairman of the Senate Select Committee on Indian Affairs of the Senate and the Chairman of the Committee on Interior and Insular Affairs of the House of Representatives containing—

(1) a list of all petitions which have been submitted,

(2) the order in which these petitions will be considered,

(3) the current status of each petition within the review process,

(4) the number of times that the time limitations imposed by sections 8, 9, and 14 of this Act have been

violated, together with the reason for each violation, and a summary of actions taken, or to be taken, by the Director to ensure compliance with these time limitations in the future, and

(5) a list of all Indian tribes that are currently acknowledged under this Act or under any other provision of law, including any tribe, band, or other group of Alaska Natives which operates under the authority of a council.

GENERAL PROVISIONS

SEC. 12. (a) The Director shall establish an administrative procedure for the cooperative reconciliation of disagreements of fact or law at the option of the petitioner. This procedure shall be designed to provide the staff of the Office, and persons performing research for the petitioners, with an opportunity, in an informal and non-adversarial manner, to—

(1) seek agreement on the interpretation of the evidence which was submitted or which may be available,

(2) review the adequacy and consistency of their research methodologies, and

(3) consider resolving any remaining issues of fact through cooperative research activities.

(b) In reviewing petitions for acknowledgment, the Director may consider material evidence from any reliable source, but copies of such evidence shall be supplied to the petitioner.

(c) For purposes of judicial review, the petitioner shall be considered to be the only party of record.

(d) The Director shall give priority to the consideration of petitions in the following order:

(1) petitions that were pending petitions on the date of enactment of this Act and in which the petitioner has elected to seek acknowledgment under section 7(d),

(2) all other petitions that were pending petitions on the date of enactment of this Act,

(3) petitions for acknowledgment under subsection (c) or (d) of section 7 that are submitted to the Director after the date of enactment of this Act by a petitioner who has not previously submitted a petition for acknowledgment under section 7(d) that was denied, and

(4) petitions for acknowledgment under section 7(c) that are filed by a petitioner whose previous petition for acknowledgment under section 7(d) was denied.

(e) The acknowledgment of a petitioner as an Indian tribe under this Act shall not have the effect of depriving any other Indian tribe of—

(1) any interest in land held in trust by the United States for the benefit of the other Indian tribe prior to the acknowledgment, or

(2) the authority the other Indian tribe has prior to the acknowledgment to exercise governance over those interests.

(f) Nothing in this Act may be construed to prejudice any claim against the United States for breach of any trust responsibility or for the wrongful withholding of services or benefits due to any Indian or Indian tribe.

ASSISTANCE TO PETITIONERS

SEC. 13. (a)(1) The Commissioner of the Administration for Native Americans of the Department of Health and Human Services shall make grants to enable Indian groups seeking acknowledgment to—

(A) conduct the research necessary to substantiate petitions under this Act, and

(B) to maintain essential tribal government functions while a petition is under consideration under this Act.

(2) The grants made under this subsection shall be in addition to any other grants the Commissioner of the Administration for Native Americans is authorized to provide under any other provision of law.

(b)(1) Grants provided under subsection (a) shall be awarded competitively based on objective criteria. A panel of three individuals shall review and rank each application.

(2) Preference shall be given in the awarding of grants under subsection (a) to applicants who have a pending petition before the Director.

(3) Grants shall not be made under subsection (a) to any group that has previously petitioned for acknowledgment by the Federal Government that the group is an Indian tribe if the petition was submitted under a different name and the group was denied such acknowledgment.

TRANSITIONAL PROVISIONS

SEC. 14. (a)(1) All petitions for acknowledgment shall be transferred to the Director by no later than the date that is 30 days after the date on which the first Director is appointed. The Director shall provide written notice of such transfer and of the options available under this Act to each petitioner who submitted such a petition. Except as provided in subsection (b)(2)(B), each of such petitioners shall elect whether the petition is to be considered under subsection (c) or (d) of section 7. Written notice of such election shall be submitted to the Director by no later than the date that is 45 days after the date of such appointment.

(2)(A) The petitioner may modify any petition transferred to the Director under paragraph (1) in order to conform the petition with the requirements of section 7.

(B) Any petitioner who elects to have a petition that is transferred to the Director under paragraph (1) considered under section 7(d) may submit additional arguments and evidence with the notice of election submitted under paragraph (1).

(b)(1) Notwithstanding any provision of this Act other than this subsection, during the 2-year period beginning on the date of enactment of this Act—

(A) the running of the periods of time in which actions are required to be taken under—

(i) subsections (b), (c), and (d) of section 8, and

(ii) subsections (b) and (c) of section 9, shall be suspended, and

(B) the provisions of sections 8(i) and 9(g) shall not apply.

(2)(A) During the first year of the 2-year period beginning on the date of enactment of this Act, the Director shall—

(i) make a preliminary ruling under section 8(d) on each petition that is under active consideration, or awaiting active consideration, on the date of enactment of this Act,

(ii) provide petitioners, by no later than the date that is 9 months after the date of enactment of this

Act, written notice under section 8(b) of obvious deficiencies or significant omissions in the evidence submitted with respect to any petition for acknowledgment under section 7(c) that is a pending petition on the date of enactment of this Act but is not described in clause (i), and

(iii) begin active consideration of any petition for acknowledgment under section 7(d) that is submitted to the Director under section 7 or subsection (a).

(B) Any petition described in subparagraph (A)(i) shall be considered under the criteria set forth in section 7(c). Such petitions may not be removed from active consideration on the basis that additional information is necessary to meet such criteria.

(3) During the second year of the 2-year period beginning on the date of enactment of this Act, the Director shall—

(i) make a preliminary ruling under section 8(d) on either—

(I) all petitions described in paragraph (2)(A)(ii) that are under active consideration or awaiting active consideration on the date that is 1 year after the date of enactment of this Act, or

(II) if the number of such petitions exceeds 10, at least 10 of such petitions,

(ii) make a preliminary ruling under section 9(c)(1) with respect to either—

(I) all petitions described in paragraph (2)(A)(iii), or

(II) if the number of petitions described in paragraph (2)(A)(iii) exceeds 10, at least the first 10 of such petitions that were submitted to the Director, and

(iii) begin active consideration of any petitions described in paragraph (2)(A)(ii) for which a preliminary ruling is not made during such year, but only if the petitioner has responded to any notice of obvious deficiencies or significant omissions that the Director has provided to the petitioner.

(4) For purposes of this subsection, the terms "active consideration" and "awaiting active consideration" have the respective meaning given to such terms under the regulations and procedures applied by the Bureau of Indian Affairs of the Department of the Interior on the day before the date of enactment of this Act with respect to petitions for acknowledgment.

(c) If an Indian group was the subject of a final determination denying acknowledgment under the regulations in force prior to the enactment of this Act, or under a judicial decision made before the enactment of this Act, the Indian group may apply directly to the Panel for reconsideration of the determination, based upon the prior administrative or judicial record. The Panel shall then review the application of the Indian group for reconsideration of the determination in accordance with the criteria set forth in this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 15. (a) There are authorized to be appropriated for the Department of the Interior for the purpose of carrying out the provisions of this Act—

(1) $3,000,000 for each of the fiscal years 1990, 1991, and 1992, and

(2) $2,000,000 for each of the fiscal years 1993, 1994, and 1995.

(b) There are authorized to be appropriated for the Administration for Native Americans of the Department of Health and Human Services for the purpose of carrying out the provisions of section 13, $500,000 for each of the fiscal years 1990, 1991, 1992, 1993, 1994, and 1995.

The CHAIRMAN. I am certain all of you know that the Committee will have to adjourn at 5:30 p.m.; therefore, I will assure you that whatever statements you have will be made part of the record, but I would hope that you would summarize your remarks; otherwise, your neighbors will not have time to testify.

We have been advised that there are many copies of statements here, and if you wish to take them with you so you can study them at a later time, please feel free to do so.

Our first witness represents the California Indian Legal Services of Oakland, Mr. Steve Quesenberry.

STATEMENT OF STEPHEN V. QUESENBERRY, DIRECTOR OF LITIGATION, CALIFORNIA LEGAL SERVICES, OAKLAND, CA

Mr. QUESENBERRY. Good afternoon, Mr. Chairman. It is an honor to appear and testify in support of this historic bill.

I am the director of litigation for California Indian Legal Services. Our program has been involved for over two decades in litigating and negotiating issues of Federal recognition, as well as untermination.

As you pointed out in your opening comments, you cannot understand the problems of recognition in California without looking at the unique history of California—the tragic history of California.

That history really has its roots, as you also indicated, in the 18 unratified treaties. If those treaties had been ratified a substantial land base would have been established for California, and a number of tribes—perhaps the majority of California tribes—would have had Federal recognition, and from that, today would have been eligible for Federal benefits and services.

Without going into any detail on the history because the time is so short, I'd like to just briefly mention some of the major effects of the lack of recognition.

It has placed a tremendous burden on California Indian people today in terms of denial of services, and also the cost of litigation and the protracted nature of litigation have been extraordinary. In many instances, Indian people who have clung to tribal tradition and culture, who identify as Indian, who are full- or half-blood Indian, have been denied services. They have been told, for all intents and purposes, they are not Indians.

S. 611 should be enacted because it is a new, expedited approach to Federal recognition. And, more importantly, it is a fair and more honorable approach. It is flexible without sacrificing the need for objective criteria, and it provides a fast track for certain groups who can demonstrate that the Federal Government has dealt with them as governmental entities in the past. It also adds certainty and accountability to the review process. And it does not prejudice, in our view, the interests of federally-recognized tribes. And, very importantly for California Indians, as I mentioned earlier, it takes account of the 18 unratified treaties.

Also, significantly, it would go far towards remedying the disability suffered by California tribes in terms of eligibility for Federal benefits and services, and its passage is justified by the recent Congressional trend towards requiring membership in federally recognized tribes as a basis for participation in Federal Indian programs.

I am sure you are well aware of the problems that Indian people in California have had in terms of qualifying for eligibility for health services, for housing, for higher education benefits—primarily because they are not federally recognized.

In conclusion, I would like to commend the justifiably generous intent of this legislation and its comprehensive approach to what is a very complex problem. I also commend you and the committee for undertaking this task in a morally and legally responsible manner. And I thank you for providing us with the opportunity for providing testimony today.

I would like to briefly conclude by referring to a comment made by Felix S. Cohen. Felix Cohen compared the Indian to the miners' canary. Just as the miners' health depended upon the health of the canary, so the health of our government and this society depends upon the health, the fair treatment, and the survival of the American Indian. I believe that this piece of legislation goes a long way towards honoring the commitments made by this country to its Indian people.

Thank you.

[Prepared statement of Mr. Quesenberry appears in appendix.]

The **Chairman**. I thank you very much, Mr. Quesenberry.

Our next witness is the tribal council member of the Dunlap Band of Mono Indians, the Honorable Dock Dick. He will be accompanied by the Honorable Albert Charley.

STATEMENT OF HON. DOCK DICK, TRIBAL COUNCIL MEMBER, DUNLAP BAND OF MONO INDIANS, DUNLAP, CA, ACCOMPANIED BY HON. ALBERT CHARLEY, CO-TRIBAL COUNCIL MEMBER

Mr. **Dick**. My name is Dock Dick. I live at Dunlap, a community located in the eastern part of Fresno County.

At one time all the Indians lived on the Indian allotment, as it is known today. A lot of those Indians today, those left, have sold their allotment after the old people died. So now there is nothing left up there. The people pay taxes on the land now, and the value of the land is so high that they can't afford new houses or anything. The people that live there now, those left, some of them have no plumbing. They get their water from the spring to take a bath, or they go down to the creek to take a bath. That's the way it is. The sanitary conditions of the people are real bad.

We are not eligible for housing or anything, so it makes it real bad for the other Indians. They can't get anything.

But anyway, as I said, my ancestors all had government land. My dad, when he passed away, left it to me, and I've still got it. I never sold it. My kids live on the land now. I have some others, too, that I inherited. It is all government trust land. I'm going to keep it. Maybe later on when I have a few dollars I can fix it up—maybe.

That's about all.

[Prepared statement of Mr. Dick appears in the appendix.]

The **Chairman**. I thank you very much, Mr. Dick.

Our next witness is a board member of the Association of Non-Federally Recognized Tribes of California, and chairman of the Kern Valley Indian Community, the Honorable Ron Wermuth.

STATEMENT OF HON. RON WERMUTH, BOARD MEMBER, ASSOCIATION OF NON-FEDERALLY RECOGNIZED TRIBES OF CALIFORNIA, CHAIRMAN, KERN VALLEY INDIAN COMMUNITY, KERNVILLE, CA

Mr. WERMUTH. Thank you, Senator Inouye, for inviting us to speak today. I'd like to relinquish my time to the Honorable Ron Goode, Chairman of the North Fork Mono Tribe.

STATEMENT OF HON. RON GOODE, CHAIRMAN, NORTH FORK MONO TRIBE

Mr. GOODE. Good afternoon.

We have three representatives of the association, so one of us wrote representing the association.

On behalf of the members of the Association of Non-Federally Recognized Tribes of California, as well as from the elders and council of the North Fork Mono Tribe, we welcome you and your staff to California.

Our Association grows stronger and larger each month, as do our needs and frustrations. Since our first gathering in February 1988, between 55 and 65 representatives throughout the State of California, from the Tolowa to the Tubatulabal, from the Ohlone to the Mono, have been meeting monthly to effect passage of Federal legislation toward our goal for Federal acknowledgement.

We are the indigenous people still living in our aboriginal lands; still culturally oriented, maintaining, preserving, respecting, and teaching values and traditions of the old ways, while living in a modern society. We are descendants of parties to treaties and claims still seeking Federal acknowledgement denied our ancestors.

Yet, we still find ourselves without civil rights and civil liberties guaranteed all other people of the United States except those of us who are unrecognized Native Americans. We deal daily with the grave concern of denial on issues of health, education, housing, economic development, legalities, sacred grounds, preservation of our ancestral grounds, and freedom to practice our religious, cultural, and traditional ways.

Displaying unity on February 25, 1989, the Association members voted unanimously to support a draft of the FAP bill with the contingent that an addendum be attached listing the California tribal groups applying for reinstatement of Federal recognition. The reason for the contingent was because of the discrepancy in the draft concerning the identification to treaties, the fast tracking process, the unclarity of what was a petition, and what submittal meant.

Following the February meeting, our lobbyist, Mr. Allogan Slagle, returned to Washington with our concerns, hopeful of making the proper changes.

In March I contacted Mr. Richard Monette, a staff member in your office, who claims to have written the bill, and asked him for clarification on what a submitted petition meant. He was unable to clarify the question.

S. 611 is designed to put applying tribes on an equal basis for qualification of the criterion for Federal acknowledgement. After reviewing the bill many times, we find the criterion of the petition for acknowledgement eliminates our earlier concerns except one, which is the clarification of what a submitted petition means.

Submittal is very, very important. We are under a timeline of Federal recognition for Indian Health Services. Time has since run out for the unrecognized California Indian to receive educational and housing grants. We struggle constantly over issues on freedom of religious rights and practices.

California Indians have a record of uniting for a cause, and tribal recognition is an issue we are very united about.

Senator, this bill is your bill. We would like it to be our bill. S. 611 is your aspiration; we'd like it to be our victory. Therefore, the bill must give all of us an equal timeline for recognition status.

Thank you.

[Prepared statement of Mr. Goode appears in appendix.]

The CHAIRMAN. I can assure you that your rights and your aspirations will not be forsaken by this measure.

Our next witness is the reporter of the Kern Valley Sun Indian Council, Mr. Bret Bradigan. Is Mr. Bradigan here?

STATEMENT OF BRET BRADIGAN, REPORTER, KERN VALLEY SUN INDIAN COUNCIL, KERNVILLE, CA

Mr. BRADIGAN. Thank you very much for this opportunity, sir. I have a bad cold, so you'll have to bear with me. I'll have to struggle.

I was asked by the chairman to start working on a petition about 1 year ago, and it has been a very slow and painstaking process assembling the documents. Like you said, you don't have the time to take the lengthy trips necessary to gather it all up.

As I have been working on the history through the ethnographics and the various research sources from colleges and such, I find out that the tribal organization has always been very loose and fluid. Some of the other Senators on the committee—Senators Daschle, McCain, and DeConcini—have enormous Indian tribes. The Navajos are represented much as all the Indians in California combined in population. And the Sioux have a strong central organization.

But out here in our region, the word for chief roughly translates as "big talker." It is not a term of respect so much as one of someone who just does the organizing.

You know, the gold rush came and disrupted the Indians' way of life profoundly. It is amazing that we were able to retain any identity. Most of the unrecognized tribes live in the eastern Sierras—all up and down the eastern Sierras. And it is not insignificant that that's where the gold was found. And so it has been very tough for them to reassemble themselves into any kind of unity and to be able to even come to a point where they are able to present themselves before a committee like this. I think even that, in itself, is significant.

The present process is cumbersome, expensive, and inefficient. Over 100 tribes out there are eligible to submit petitions; 21 have. Something like 7 have been recognized, and 14 haven't. It has taken ten years to reach that situation. It is not a very good track record.

Some of the things in the new bill would greatly facilitate the process. The part about the continuity and the title 25 that was substantially continuous base—now they have rephrased it to mean no lapse of continuity greater than 50 years, or something to that nature. I think that would be the greatest help.

A lot of the documents are out there, but are difficult to find. We don't have the resources to do that. That's why this presentation that this gentleman here made has a lot of validity. If a major university and a state college don't have the resources to find out the documents, how is a 350 to 400 member Indian tribe going to be able to do that without resources and professional training and the academic background?

I'd like to say that this new Senate bill will allow more freelance researchers to come in—people who aren't necessarily professionals, but who might happen to have something that would be of use to the Indians so they would be able to do it more on their own. I think that is one of the most important things about it.

Thank you very much.

[Prepared statement of Mr. Bradigan appears in appendix.]

The **Chairman**. You may not have great nations like the Cherokees or the Chippewas or the Cheyennes, but according to the latest census there are more Indians residing in the State of California than any other state in the nation. This is the Indian state of the United States.

Our next witness represents the Unterminated Chukchansi Tribe, Ms. Jane Wyatt.

STATEMENT OF JANE WYATT, UNTERMINATED CHUKCHANSI TRIBE, CALIFORNIA

Ms. **Wyatt**. Good afternoon, Mr. Chairman and committee. I am Jane Wyatt, chairman of the Chukchansi Nation of the Picayune Rancheria located in Coarsegold, California. On the behalf of our members, I am here today to talk about the bill S. 611.

The Chukchansi Nation resided on the Picayune Rancheria near Coarsegold, California, for over 60 years—from 1902 to 1963, and with the stroke of a pen the nation was terminated under the California Rancheria Act. Our government was disbanded and our people scattered to the four winds.

After more than 20 years of no form of government, the Chukchansi Nation was recognized by the court ruling of the *Tillie/Hardwick* v. *the United States* case. The Chukchansi Nation has again reorganized to carry on the traditions, the culture, and the dreams of our elders.

I was informed in a meeting on Thursday, April 13, 1989, by Mr. Mike Smith, Superintendent of the Central California Agency, with Mr. Harold Bradford and Ms. Virginia Carpenter of the BIA, and Mr. Bill Snow, the business manager of the Chukchansi Nation present as witness, that money had been appropriated—$50,000—for the tribe to obtain land two years earlier, which was prior to the time the tribe had formal government to act in its behalf. However, since the monies were not applied for when they were available, they have been used by the BIA for other purposes and are no longer available to the tribe. How long must these injustices persist?

Therefore, the tribe must function on a pay-as-you-go basis, dependent entirely on grants or, as the BIA constantly reminds the tribal staff, "gifts" from the BIA and other organizations. The tribe has managed to obtain grants from the BIA and ANA; however, these are soon to expire, and if more grants are not obtained, for any reason, the tribe will be virtually bankrupt and literally forced to disband again.

Although the Federal Government forces us to function as a zero land base nation, we have the resolve, as a people, to endure, and we will continue the arduous task to develop a strong government and to improve the health and education and the living conditions of our people.

The citizens of the Chukchansi Nation ask the members of the U.S. Congress to make a good faith gesture to all Indians by rescinding or revoking the final rule on the health care services eligibility and by passing bill S. 611. This would demonstrate to all the world that the U.S. Government is, "a kinder and gentler nation" by taking positive actions to improve health care for all of its native citizens and by providing special consideration to those seeking Federal recognition as tribes and by providing just compensation to small tribes which function with a zero land base for they, too, may carry on the ancient traditions of their people.

Mr. Chairman and members of the committee, I thank you for this time and opportunity to speak on behalf of my people.

Thank you.

[Prepared statement of Ms. Wyatt appears in appendix.]

The CHAIRMAN. I thank you very much, Ms. Wyatt.

Our next witness is Mr. Glen Villa, Jr., representing the Ione Band of Miwok Indians.

STATEMENT OF GLEN VILLA, JR., IONE BAND OF MIWOK INDIANS, CALIFORNIA

Mr. VILLA. Thank you, sir. My name is Glen Villa. I am Nick Villa's brother. I will be speaking today.

I am chairman of the Ione Band of Miwok Indian, General council which is located in Ione, California. The Ione Tribe represents 19 tribal members.

Before I begin for the record, the reason that committee has not received our testimony prior to today was that the band has requested additional information from the Central California agency of the BIA. The agency had promised that delivery of this information would be in our possession on Monday, April 24. To this date it has not arrived. Therefore, Mr. Chairman, the band would like to request you to allow it to submit additional written testimony at a later time.

The CHAIRMAN. You may do so.

Mr. VILLA. For the record, Mr. Chairman, the Ione Band of Miwok Indians have been trying to gain recognition since 1916. Since that time, the Bureau of Indian Affairs has arbitrarily and capriciously recognized and unrecognized the band with as a stroke of a pen.

The following is a chronological history of the Ione Band of Indians. From 1916 to 1934: the original petition was submitted in 1916 and there was discussion of the U.S. Government to purchase and secure a 40-acre tract of land for use as an Indian reservation, as shown by Amador County deeds dated July 26, 1926. The deed reads, "A forty acre tract of land heretofore sold to the United States Government, which land is now fenced and used as an Indian Reservation." That is our Exhibit No. 1.

In 1941, upon request by concerned Indians, a second petition was submitted by a U.S. Senator from California. It is unknown what result was achieved by this action.

Again the band was thwarted in its efforts to clarify tribal status through the inaction of the U.S. Government to provide benefits entitled to Indian tribes.

In 1972 a renewed effort was begun by members of the band to enlist assistance of the California Indian Legal Services to request the Department of the Interior to place the 40 acre tract of land into trust status. A response was solicited from then Commissioner Louis Bruce, Bureau of Indian Affairs, which stated, "Recognition had apparently been given at the time when the land purchase had been contemplated." Mr. Bruce also accepted into trust the 40 acre tract of land originally contemplated in the early 1900's.

The band was elated by this action as finally a clear, concise direction was given by the U.S. Government in order for the band to clarify its tribal status. The Bruce letter directed the area office in Sacramento to assist the band in the formulation of a constitution and by-laws under the Indian Reorganization Act of 1934. Upon completion it would result in the establishment of an Indian reservation. This is our Exhibit No. 2.

Again the band was denied due process as the Bureau of Indian Affairs did not provide any assistance. In fact, the Assistant Secretary of the Department of the Interior overruled the Bruce letter stating that "The former contemplated purchase of land for them by the United States may indicate that are a recognized group entitled to the benefits of the Indian Reorganization Act. We have no correspondence however, from the group requesting recognition or a desire to establish a reservation." That's our Exhibit No. 3.

The band was devastated by these turns of events as seemingly at every juncture the Department of the Interior blocked the wishes of the tribe, totally disregarding the 1972 Indian Self-Determination Act.

In 1978 the U.S. Government, in an effort to remedy a long history of human rights violations, established a vehicle whereby Indian groups, organizations, or communities not recognized as an Indian tribe could petition the Federal Government for recognition as an Indian Tribe. The Ione Band formally filed a petition for acknowledgement by the Secretary of the Interior that we exist as an Indian tribe under 25 CFR part 54.8(b) in January, 1979.

In 1982 the band sought Federal assistance from the Administration for Native Americans to provide funds for the completion of the petition for Federal acknowledgement. The band's request was not granted, as ANA suggested that the band's documentation was sufficient to be submitted and that the Ione Band challenge the Department of the Interior's requirement to complete the acknowledgement process, using the Bruce letter as the basis that the Ione Band was and always has been recognized as an Indian tribe.

In 1984 the Ione Band of Indians, acting as a political unit, requested assistance from the Bureau of Indian Affairs, Central California Agency, to provide home improvement program funds to build a home for one of the members. This request was granted by then Acting Superintendent Harold Bradford. Subsequent requests for additional funds for home improvement were met with a negative response, and that the band must now seek recognition through the Federal acknowledgement process. No clear reason was given to the band for this request.

In July 1988 the Ione Band sought the assistance of the Bureau of Indian Affairs, Central California Agency, to clarify its tribal status. A document was provided to Mr. Michael Smith, Superintendent, who promptly lost the documents. Subsequent calls made to Mr. Smith over a period of six months to locate the documents proved futile, as Mr. Smith has stated more than once that he has no obligation to provide assistance to the Ione Band, nor does he intend to provide any in the near future.

Nevertheless, the tribe continued to act as a political unit and proceeded to research the tribal status of the Ione Band.

In January 1989, efforts to communicate with the Central California Agency were redirected to the BIA area office to file a formal complaint with the area director, Mr. Babby, who stated he would contact Mr. Smith and ascertain the crux of the problem. Mr. Babby's closing statement questioned the intelligence of the Ione Band as he said, "Is there anyone cognizant enough to know how to complete the Federal acknowledgement process from the tribe?" Naturally, Mr. Smith never returned any calls.

In April of this year we formally sent a letter to the United States Government stating that we are filing our formal request to the Secretary of the Interior for recognition as an Indian tribe and that the 40-acre tract of land be established as a reservation.

Mr. Chairman and members, thank you for hearing this matter of utmost importance today. Any assistance this committee can offer would be greatly appreciated.

[Prepared statement of Mr. Villa appears in appendix.]

The **CHAIRMAN**. Thank you very much. I can assure you that your full statement will be made a part of the record.

Mr. **VILLA**. Thank you.

The **CHAIRMAN**. And if you wish to submit further statements, please feel free to do so.

Our next witness is the chairman of the Hopland Band of Pomo Indians, the Honorable Don Ray.

STATEMENT OF HON. DON RAY, CHAIRMAN, HOPLAND BAND OF POMO INDIANS, HOPLAND, CA

Mr. **RAY**. Good afternoon Senator Inouye.

My name is Donald Ray. I am the tribal chairman of the Hopland Band of Pomo Indians. This is my third term. I am also the chairman of the Consolidated Tribal Health Clinic in our county, Mendocino County, CA. I am also vice chair of the Policy Committee for the Bureau of Indian Affairs, Central Agency.

I wasn't sure whether or not I requested two 5-minute periods, one responding to the issues of concern to California tribes, and one for the Federal acknowledgement. Is that the process, or am I to lump everything into one?

The **Chairman**. We are having two separate hearings. This one is on S. 611.

Mr. **Ray**. Okay. Thank you.

I have submitted my written testimony to the lady here, and we do not have any problem with it. The only thing that we are requesting out of S. 611 is that we get the copies of the priorities that were set up in the law, and that we be notified of those priorities prior to any decisionmaking on the acceptance of any tribes. Other than that, S. 611 is a very nice bill.

I thank you and commend your committee for all the work they've done.

[Prepared statement of Mr. Ray appears in appendix.]

The **Chairman**. Thank you very much.

Our next witness is Ms. Ivadell Mowery of North Fork Madera County.

STATEMENT OF IVADELL MOWERY, NORTH FORK MADERA COUNTY, CLOVIS, CA

Ms. **Mowery**. I'm Ivadell Mowery. I'm a member of the North Fork Mono Tribe. I bring you greetings from the North Fork Mono Tribe. Speaking on behalf of the elders, tribal council, and 800-plus members, we wish to stress the importance of a bill such as S. 611. We support you, your committee, and any other legislator's efforts in the endeavor of Congressional enactment to reinstate the government-to-government relationship with unrecognized tribes of California.

Because of the unique situation involved with each tribal group, a special and broad-based legislation has to be developed to be able to include all California Indians. Bill S. 611 is a gallant effort, and we applaud all considerations given.

But it falls short on the specification of a submitted petition on the basis of an equal timeline of Federal acknowledgement for all California tribal applicants.

Secondly, the appropriations aren't enough to hire a decent business manager, let alone help a new tribe get established. For tribes still conducting research for the Federal recognition process, $3 million divided by 100 Federal acknowledgement applicants is only $30,000 per tribal group. It takes $75,000 per year to hire a worthwhile researcher.

We are the largest tribal group in Central California and the largest tribe of the Mono Nation which, according to the 1980 census, was the largest populated tribe in California.

Of those that still live in our local community, 80 percent are dependent on work in the forest. Now our local national forests are drastically cutting back on timber harvesting, affecting our already low economical livelihood to an even lower level.

North Fork Mono have been living in Eastern Madera County for thousands of years. Since the unratification of the 1851 treaties and the U.S. Government's unwillingness to recognize our people on a government-to-government basis, we have struggled with virtual elimination of our tribal existence.

We are constantly threatened by loss of our health services, our young are without grant funds to attend college, our adults are denied career training and educational services, our elders' homes are in need of repair and are denied housing services, and our sacred sites are unprotected and their use constantly threatened. Even our cultural museum property has been attacked by the county for condemnation for eminent domain purposes for a road realignment.

I have a mobile home that I live in, and the roof leaks, the wiring is bad, the well needs fixing, and all of these I have not been able to obtain through any other areas.

Our people are in need of health services. We have become despaired and have turned to drugs and alcohol. And we are in need of services for rehabilitation for these people. Adults need training so they can get good jobs and the equal opportunity that is denied them.

My 3 minutes are up. That is not ample time to tell you everything.

But we have banded together with other California tribes for a more unified effort to effect passage of legislation for Federal recognition for all California Indians. But the legislation we support must give all an equal basis for qualifying and an equal basis for establishing their tribal entity on a government-to-government relationship.

The Mono people of North Fork are united and have strength and determination to accomplish these goals of Federal recognition, justice, and equal opportunity.

Thank you.

[Prepared statement of Ms. Mowery appears in appendix.]

The CHAIRMAN. Our next witness is the chairman of the Karok Tribe, Mr. Alvis Johnson.

STATEMENT OF ALVIS JOHNSON, BUSINESS MANAGER, KAROK TRIBE, HAPPY CAMP, CA

Mr. JOHNSON. Good afternoon.

I am Alvis Johnson, chairman of the Karok Tribe of California. On behalf of my tribe and my people I want to thank you and thank the committee for permitting me to appear and testify here today regarding issues of concern to my people, S. 611.

I understand you received testimony on S. 611 this morning; nevertheless, I want to briefly state that, while we support the intent of the bill, we are fearful it could create problems for our tribe.

Section 7, subpart 2, subpart a, prevents groups, political factions, committees, and groups from seeking Federal recognition under the act unless such group can demonstrate that it has functions from historical times until the present as a prominent entity.

Section 4, subpart 10, subpart b, states that unratified treaties of California can be used as evidence of a group's existence as a separate entity. The unratified treaties that our ancestors signed on October 6 and October 12, 1851, were signed by 19 leaders from tribes or bands which were treated as separate entities by the Federal Government.

While we are one tribe today with one tribal government, many of our people continue to identify with historical bands located along the Klamath and Salmon Rivers, and they and their ancestors have always done so.

Arguably these groups, who may from time to time become disenchanted, were our central government to draw from tribal membership and petition to become Federally recognized as separate Indian entities. We see no benefit to be derived from such a possibility.

We would like to see section 7, subpart a, subpart 2, specifically excuse California groups, tribes, or bands who have become members or associated or affiliated with a Federally recognized tribe from withdrawing from such membership, association, or affiliation for the purpose of seeking recognition under these provisions of the act.

I would like to now address a major concern of my people, the Indian Child Welfare Act funding, or what we perceive as a crisis in the Indian Child Welfare Act funding.

Our children and our families are our future. They are also an important part of your future.

The Karok Tribe supports the concept and purpose of the Indian Child Welfare Act, and we hold a goal of assisting our children who find themselves separated from their family and the reunification of all group Indian families.

This year not a single Northern California tribal Indian Child Welfare program was funded. All of our grant applications were denied. This is very serious, if not a breach of trust by the Federal Government.

The situation must be remedied, and Congress must ensure that future Indian Child Welfare funding is sufficient to assist all tribes who have the ability to develop Indian Child Welfare programs.

On behalf of my people, I want to thank you. Once again, I thank you for allowing me to address you on a government-to-government basis on behalf of my people.

Thank you.

The **CHAIRMAN**. I can assure you that your full statement will be made part of the record if you will just submit it.

Now I call on Ms. Lois Risling, Board Member of the Hoopa Tribal Business Education, representing the Plumas Indian County.

Is Ms. Risling here?

[No response.]

The **CHAIRMAN**. May I now call on Ms. Phyllis Wyman, Northern Valley Indian Health?

STATEMENT OF PHYLLIS WYMAN, COMMUNITY HEALTH REPRESENTATIVE, NORTHERN VALLEY INDIAN HEALTH

Ms. **WYMAN**. Honorable Chairman Daniel Inouye, my name is Phyllis Wyman. I have been a community health representative since 1975, a Maidu Indian of Northern California.

I have worked the last 15 years as a CHR. During this period of time, our program has served the Native American senior citizens and health resources available through our Indian health.

Within the last few years, I have taken a closer look at our Native American senior citizens. I find that they have no local organization to communicate with—no county representation or local area council on aging—in our eight-county service area.

Presently, Northern Valley Indian Health Corporation receives title III nutrition lunch program monies; however, the food is not agreeable for our many diabetic Native American senior citizens.

Housing for our elderly is almost non-existent. Houses that the elderly occupy are usually in several deteriorating conditions. Many homes are isolated from major roadway arteries with no telephones and poor road conditions. Resources for mental health services are non-existent.

Indian Health Service does not have a line item budget for geriatric care. Under-reporting by State Register's Office on morbidity and mortality—both BIA and HUD have responsibilities for Native American Housing and do not index elderly housing needs.

The California Native American senior citizens estimated 1980 census figure estimates 20,000 Native American senior citizens live in California. The Indian Health Services uses a 2.7 percentage figure that would mean that 26,102 Native Americans live in California.

California Native American senior citizens are the most underserved, under-represented senior citizen minority groups in the State, and definitely the largest Native American senior citizen group in the Nation.

I would recommend that the Senate select committee consider additional field hearings, because the majority of Native American senior citizens have been affectively excluded from services due to the insensitivity and to inadequate funding levels.

I would hope that my comments will given the Senate select committee chairman and his staff some ideas for ways to improve the level of care and communication for the first Americans of California. Thank you very much.

The CHAIRMAN. Thank you very much.

Our next witness is the tribal spokesman for the American Indian Council of Mariposa County, the Honorable Jay Johnson.

STATEMENT OF HON. JAY JOHNSON, MEMBER/TRIBAL SPOKESMAN, AMERICAN INDIAN COUNCIL OF MARIPOSA COUNTY, MARIPOSA, CA

Mr. JOHNSON. Thank you, Mr. Chairman.

As you said earlier, 10 months ago you were here, and I stood before you at that time speaking for the American Indian Council of Mariposa County.

First I would like to say that our council is a member of the Association for Non-Federally Recognized Tribes of California, and at the present time I am the chairman of that Association.

For the record, I have submitted a written position statement and have submitted papers today as required.

I am of the Paiute and Miwok tribal origin, born and raised in Yosemite National Park, as my great-grandmother was in the early 1830s.

I would like to read our position paper from our Council.

The American Indian Council of Mariposa County represents several Indian tribes, bands, or groups who have made this area their home, as their ancestors have for hundreds of years past. The area known today as Mariposa County, including Yosemite Valley, Yosemite National Park, was the domain of the Southern Miwoks. The majority of Indians today are descendants of the old Yosemite Indian Tribe, the Ahwahneechees.

We organized the Council in January of 1971, based on the fact that we, as Indian people, realized that we had lost much of our traditional culture. If we do not do something about that now, in another generation or so everything will be gone. Our children and their children will have lost their rich cultural heritage.

Besides holding on to the traditions that we still know or have within us, the purpose of our Council is to help our people become self-sufficient and to raise our standards of health, education, welfare, and social life.

The American Indian Council of Mariposa County, during the past 18 years, has come a long way in doing things for itself. We have worked from the very beginning with statewide Indian organizations, Federal, State, and county agencies with various programs or projects. We also have made good strides in keeping our culture alive.

This coming June, 1989, we will hold our 15th Annual Traditional Indian Gathering in Yosemite Valley. Yosemite Valley is within the area of our ancestral lands.

Our Council started to seek Federal recognition in 1981. We submitted our petition to the Bureau of Indian Affairs, Washington, DC, in 1984. We received letters from the BIA Branch of Acknowledgement and Research Office concerning obvious deficiencies and significant omissions to our petition in 1985.

This year will be the eighth year that we have been involved with the Federal acknowledgement process, and who knows how many years it will take to complete this process to be considered as a tribe?

The S. 611 bill, Indian Federal Acknowledgement Administrative Procedures Act, is a much needed Congressional legislation in making it possible for unrecognized tribes to become federally recognized, and also to expedite the Federal acknowledgement process.

We, the American Indian Council of Mariposa County, do hereby support the S. 611 bill. We also request that there be a special attachment rider to the S. 611 bill giving blanket Federal recognition to the unrecognized tribes of California.

On behalf of the Indian people of Mariposa County, I thank you for your time and consideration. Thank you, Senator.

[Prepared statement of Mr. Johnson appears in appendix.]

The CHAIRMAN. Thank you.

This might be a good time to respond to one of the questions asked me as I was entering the hall. One of your members asked me, "Why can't you spend more time here instead of limiting us to three or five minutes?" It may interest you to know that I began this journey on Sunday. I began my trip in Oklahoma, and I am in California today. I have spent more time in Indian Country in the past two years than in my State of Hawaii. The people of Hawaii should be complaining. [Laughter and applause.]

If it were possible, I would spend the evening and the following day, but I have other responsibilities.

It may interest you to know that 37 of you have requested the opportunity to speak this afternoon before 3:30. At 3:30 we will have another hearing, and on that list there are another 25. So you can understand why we have to limit the time for testimony. I don't wish to deny anyone the opportunity, so I'll call the next person.

Representing the Winnimem Wintu Band of California, Ms. Charlene Ward.

STATEMENT OF CHARLENE WARD, WINNIMEM WINTU BAND, CALIFORNIA

Ms. **Ward**. Hello. I am Charlene Ward, Winnimem Wintu of the McCloud River in Shasta County.

I brought a paper from an elder, Florence Jones, which I will read for you at this time.

Hestum, the Wintu word for "greetings." And if everything is good with you, you say, "Chila, chila," which is "everything is right with the world," or "everything is good with me."

I am Florence Jones, over 80 years of age, the spiritual/herbal doctor and leader of the Winnimem Band of the Wintu Nation in northern California.

I was born and raised on ancestral lands along the McCloud River. It wasn't a freak of nature that my mother was 60 years old when I was born. It was prophesied at my birth I would be a great doctor for my people and bridge the gap between ancient times and the modern day. As my times comes to pass, I see that I was and still am the bridge that fills the gap.

The spiritual doctor's responsibility is to maintain the health of the whole. To be a spiritual doctor, you have to be born spiritual and be accepted by the spirits for training. I was born into a family of doctors and chief leaders, being a five times great granddaughter of the last Chief Del-a-can- tillima. I was trained in the natural and spiritual laws of the Great Spirit and the Creator. My world was still Wintu. I was coached in the spiritual and healing arts by my Aunt Tildie Brock. During that time there were many doctors to help and oversee a young one's training.

I want to say for the record that things were much easier in those days. The people understood their Indian ways, and they had respect for the doctors and the spiritual.

By traditional Wintu law, we have a man as chief. He is our speaker. And we have our spiritual doctors who can be either men or women. If there is no man to be the chief, the spiritual doctor is the leader. That is how it came to be that I am the leader of the Winnimem Band of the Wintu.

At this time I am training my niece Charlene Ward to be the spiritual/medicine doctor. I am confident that she will continue to maintain our Wintu spiritual laws when I am gone.

I have continuously used and maintained two sacred places within our ancestral boundaries. One is a doctors' training ground on the McCloud River where each spring we have a ceremony. The other place is on Mount Shasta where we conduct our World Renewal Ceremony yearly at Coonrod Flat.

These historical sacred sites are on public lands administered by the U.S. Forest Service. Our access to continue the spiritual ceremonies of our Wintu ancestors is by use permit. There are many other sacred sites that are essential to the religious practices of our people for which there are no use permits.

The spiritual doctor is given the original laws to maintain. This is essential to protect and manage the land and continue the ceremonies that provide harmonious spiritual balance for the people.

I know it is still hard for the dominant societies to understand our autonomous governmental structure and how this interconnects with spiritual and natural law. Like all civilized nations, our foundation and principle of law is based on spiritual guidance.

Our continued existence as an autonomous nation of original people that historically and continuously used and occupied ancestral lands is jeopardized by the failure of the Federal Government to recognize and remedy the gross negligence and breech of trust responsibility.

The government-to-government relationship did exist and was ongoing, evidenced by the distribution of tribal lands to individual members by allotment. The beneficial use of these lands was determined by certification of the historical tribal identity and affiliation. These lands were taken. We were forced to relocate by the government to develop the water and power project proposed in the year 1915.

During that time, the government agent for the BIA made contact with our band. He did a census of the people stating the purpose was for the acquisition of land for our band. To this day, we have not had our lands restored or a fair exchange for lands taken.

Although we continue to function as a self-governing tribal authority, actions by the agency continue to undermine our right to self government. The extent of that right has been determined to exist by action of the government to federally recognize the Wintu Nation.

The **Chairman**. I am sorry to interrupt you, Ms. Ward, but your time is up.

Ms. **Ward**. Okay.

The **Chairman**. But I can assure you that your complete statement will be made a part of the record.

Ms. **Ward**. Thank you.

The **Chairman**. Our next witness represents the Shasta Nation. He is Mr. Roy Hall.

STATEMENT OF ROY HALL, SHASTA NATION, FORT JONES, CA

Mr. **Hall**. Mr. Chairman, I am Roy Hall, Jr., Chairman of the Shasta Nation. I am appearing before the Senate Select Committee on Indian Affairs regarding Senate Bill S. 611.

Senate Bill S. 611 will greatly increase the possibility of Federal recognition for Indian groups involved in the present process. It should also shorten the procedure considerably.

With the present process used by the Acknowledgement Committee, each letter of deficiency gets longer instead of shorter, as if they are looking for something about your tribe that you can't possibly give them. They request information that they know is unattainable. For example, they have requested that the Shasta Nation provide copies of their members' telephone logs of their personal calls to other Shasta Indians to prove that they kept in contact with each other through the years. Not many people keep a phone log of their personal calls or have kept their phone bills since——

The CHAIRMAN. Are you kidding me?

Mr. HALL. I'm serious. [Laughter.]

It is in our letter of deficiency.

The CHAIRMAN. Will you give me a copy of that?

Mr. HALL. Sure.

The CHAIRMAN. Because I want to see him standing there to testify.

Mr. HALL. Okay.

This present procedure can go on indefinitely, because they state that with the present documentation the petition would be denied.

The Acknowledgement Committee is now strongly suggesting that an ethnographer write the supplement to the Shasta Nation's petition in order for it to be acceptable. I have been under the impression that since white men realized that the Indian would have to be dealt with, there has been considerable time, effort, and money spent to assimilate the Indian people into the white culture and still keep them separate.

Now, when some groups have the knowledge, ability, and expertise to write their own history, the Acknowledgement Committee feels that it is necessary to spend more government grant money on someone who only takes down what the Indian says, adds his own personal opinions, and gets paid handsomely for his efforts. That committee has hinted that without an ethnographer's signature on it, a petition has little chance of passage. I have seen nothing in the CFR requiring this.

The Shasta Nation's petition and one supplement were written by two members, one a college degree in English and the other a college degree in community organization and program planning. Their education does not seem to satisfy the committee.

The Acknowledgement Committee keeps changing their criteria. At first, George Roth stated that it was not necessary to document every decade, just show the continuation of tribal unity. Now, he and Mike Lawson state that it is necessary that each decade be documented to meet all the listed criteria.

We do not understand the purpose of the Acknowledgement Committee. Is it not their purpose to assist the petitioners? Everywhere the Shasta Nation turns we are stifled by the government agencies designed to help Indians.

Because of a lack of Federal recognition, the Shasta people have been told that they cannot get or must fight to get: health care, food commodities, educational grants, minority jobs, and so on. In general, any time a Shasta Indian applies for government assistance they are first told that without Federal recognition they don't qualify as Indians.

I feel that S. 611 will help greatly in solving some of the problems with the interpretation of the present criteria that the Acknowledgement Committee has. I feel it will also help in the long run with the problems mentioned above, for everywhere the Shasta members turn, the fact that we are not federally recognized is used against us by the Bureau of Indian Affairs and other Federal agencies.

In the supplemental material attached, you will see how the Shasta Nation has been discriminated against for lack of Federal recognition. We want the paper genocide to stop. The Shasta Nation does exist and does deserve to be federally recognized. We will continue our struggle.

Thank you for your time.

[Prepared statement of Mr. Hall appears in appendix.]

The CHAIRMAN. Our next witness is the past chairman of the Tolona Nation, Doctor Joseph Giovanetti.

STATEMENT OF DR. JOSEPH GIOVANETTI, PAST CHAIRMAN, TOLONA NATION, EUREKA, CA

Dr. GIOVANETTI. Thank you.

My name is Joseph Giovanetti. I am the past chairman of the Tolona Nation of Indians in Delnor County, California.

I'd like to give you a little history on the Tolona Tribe.

In 1828 through John Smith the Federal Government encountered the Tolonas. Soon after, the removals began, along with the other tribes, to places unsuitable for Federal Government use—they thought—until the land was found to be valuable, and we were uprooted again.

Prior to the arrival of the Mayflower, we knew our ancestral areas. We were frequently with other tribes—the Hupa, the Yurok, the people to the north. Our ancestors knew our places. Our dances have been attended by many people throughout the hundreds of years—the Tulova, the Hoopa, the Yurok—all of our friends and relations come to our dances for our World Renewing Dance.

When the Federal Government decided to let the Tolona tribal members return to our aboriginal areas, many of our people stayed, for example, in Hoopa. Our dwindling numbers—by 1910 we only had 121 tribal members left out of 3,000 through genocide, through relocation, through the deaths of many, many of our ancestors and their children.

After the 1853 Mantocket Massacre, the Tolona signed what they were told would be treaties. They were removed to an Island at the mouth of the Smith River, which became flooded in 1906. Again the Tolona were removed to a place called the "Reservation Ranch" which was sold to a prominent Smith River family from Germany for their services to the BIA for $1. Our lands were sold for $1.

Then some of our ancestors were moved to the now Smith River Rancheria while others received individual allotments.

In the 1930's the Federal Government again wanted to move our tribe to the hills. Our people resisted.

In 1929, during the depression, the government and county health was nil, so the Delnor Indian Welfare Association was formed to help our people and other tribes in the area by fund-raising events. Although it was a struggle, the BIA did comply at times to their urgencies for family needs. Even after termination, the BIA acknowledged our association by giving us assistance when we asked for help. It was only recently we have been denied because of the reestablishing of the Smith River and El Salle Rancherias, which did not include other aboriginal Tolonas on their new rolls.

California tribes should receive perhaps blanket recognition. The Tolona Nation endorses such an amendment being made to S. 611.

We blame the BIA and their direction in forming the two rancherias—by not opening the rolls to all Tolonas, the BIA accepted some of the Tolonas.

I would like to mention that the Delnor Indian Welfare Association helped in assigning and dividing the lots prior to termination. Many of the other Tolonas are descendants to the original allottees.

In setting up the two rancherias, somehow greed came into focus. The Tolona Nation members only wanted to be recognized according to our 1851, 1854, and August 17, 1857 treaties, which we researched during this time that we have been pursuing Federal recognition thanks to Allogan Slagle and Howard Burk and our own people working in the State archives in Sacramento.

To be recognized as the original owners, our Nation headed over 800 square miles in Delnor County, California.

The Tolona Nation was formed in 1983 and includes 380 members. It includes all Tolonas who are descendants of our original territorial grounds—Elic Valley, Smith River Rancherias, and the Tolona Nation are all related by blood or through marriage to some members of the outlying tribes. We have Elic Valley and Smith River Rancheria enrollees who have and are to this day applying members of the Tolona Nation. We notified the Federal acknowledgement project in 1984, I believe.

The BIA should have known this, because initially ancestors of those two rancherias always included all Tolonas not living on the rancheria in their gathering, decisionmaking, et cetera, through the Delnor Indian Welfare Association.

You might say that DNIWA was the tribal governing body of the Tolonas from 1929 up until termination. DNIWA is still in existence today and functioning helping our people.

The Federal Government attempted to settle a problem in our area by the enactment of the Hupa/Yurok Settlement Act, which has further divided all the Indians of our area.

The CHAIRMAN. I hate to interrupt you, sir, but if you continue, the others won't be able to speak.

Dr. GIOVANETTI. Thank you very much.

The CHAIRMAN. Thank you.

Our next witness is a member of the Mono Lake Indian Community of the Paiute Tribe, Mr. Richard Blaver.

STATEMENT OF RICHARD BLAVER, MEMBER, MONO LAKE INDIAN COMMUNITY, PAIUTE TRIBE, LEE VINING, CA

Mr. **Blaver.** I'm Richard Blaver. I was born and raised in the Eastern Sierra area of California.

My great-grandfather was one of the original leaders of the klan of Indians on the south side of Mono Lake. I represent the tribal council and am the spokesman now for the Indians of the Mono Lake area.

The Kuzedika, Paiute, people of Mono Lake want to thank you for this opportunity to be federally recognized as a tribe.

Our past proud history shows that our people have lived in the Mono Basin for approximately 8,000 to 10,000 years. Mono Lake has been the center of our way of life in the past, and we are still struggling to keep that way of life now and for posterity.

We were recognized as an Indian group in 1978. Since then, we have been actively petitioning for Federal recognition as a tribe with the help of volunteers for the last 5 years.

Our people were eligible for the California Indian roll. The members of our community received individual allotment payments.

Today our tribal council represents about 75 people. I want to add a little note to that: at one time it was a great center for a lot of Indians who now reside all over the eastern Sierras. The council conducts regular meetings and participates in various community affairs. If we are federally recognized, many families and individuals who left our area because of the loss of land, water, and an opportunity to live a way of life that we have been taught forever, would return.

There is encroachment on the land at Mono Lake by the city of Los Angeles, the threat of private business ventures, and the Federal Government, which manages the Mono Lake National Forest Scenic Area. We have a pending agreement between the Inyo National Forest and the Mono Lake Indian Community regarding continuation of Native American traditional usages within the Mono Basin National Scenic Area.

We need tribal recognition to gain land rights, housing, business opportunities, health care, educational benefits, legal advice, and the protection of our rights. If we are given this recognition by the Government of the United States, it would bring our people back together and give us pride in who we are.

I want to just add a little bit of a note to explain to you what this area must be like. It has been neglected in many areas.

There was a friend of my grandmother that I went and spoke to. There are no reservations in our area. I asked her how she liked living where she is living now. She had been relocated to an area north. She said she didn't like it and she would like to return home. I think that is really the message for all the people from this area.

The city of Los Angeles is interested in it, the nation is interested in the area that we are in, and politically we have been very neglected.

We want to thank you very much for letting us speak today.

[Prepared statement of Mr. Blaver appears in appendix.]

The **Chairman**. Our next witness is the spokesperson of the Muwekma Tribe of San Jose, the Honorable Rosemary Cambra.

STATEMENT OF HON. ROSEMARY CAMBRA, SPOKESWOMAN, MUWEKMA TRIBE, SAN JOSE, CA

Ms. **Cambra**. Good afternoon Senator Inouye and committee members.

I would like to thank everyone for giving me the opportunity to be here.

My name is Rosemary Cambra, and I am a most likely descendant of the Muwekma Tribe of Santa Clara County.

I would also like to keep my testimony minimal. I have presented the committee with a lengthy paper.

Muwekma, my people, or the people that I represent, basically suffer the same problems that other California tribes or descendants have suffered. We have been treated very badly, have gone non-recognized, basically wiped off the earth. But it hasn't happened. That's why we're here. That's why I'm here to support Senate bill 611—to revitalize our Indian heritage, to revitalize our Indian life ways, and to gain respect from all mankind of all nations of all tribes.

I believe, Senator Inouye, that you have a good heart, as well as a healthy mind and you are keeping our tribes alive, and hopefully you will guide them through Federal acknowledgement.

All I can say on behalf of Muwekma is thank you. You are promising and also opening the doors for our future generations.

Again, I would like to thank everyone. And I would like to spiritually, as well as somehow support economic development to help support all California tribes.

Thank you.

[Prepared statement of Ms. Cambra appears in appendix.]

The **Chairman**. Thank you.

Our next witness is a member of the Choinumni Tribe of Fresno, Mrs. Mae Davidian.

STATEMENT OF MAE DAVIDIAN, CHOINUMNI TRIBE, FRESNO, CA

Mrs. **Davidian**. Good afternoon Senator Inouye and committee members.

I am Mae Davidian from Fresno County. I am here on behalf of my tribe, Choinumni, which has been a forgotten tribe by the government.

My father died 2 years ago at the age of 104.

My people originally are from Del Siedro, CA. They were not recognized by any government and were not given any kind of advice or assistance from the Government or the Bureau of Indian Affairs. They were a forgotten tribe, and they still are today.

The only way that we received any kind of benefit—just a little bit—was when they had the rules of on or near reservation.

Very few of our students received education benefits. That's about the smallest amount of assistance that they received. Other than that, we have been forgotten.

I am here as a Choinumni descendant of my father, which is the only chief, that died two years ago, to ask of this committee to recognize us as a federally-recognized tribe.

We support efforts of the Senate committee in S. 611. We are here to put on record the plight not only of the Choinumni people and tribe, but the countless others whose life has remained in fear.

We have watched our fur and feathered brothers and sisters who fell to victims of extinction, and we asked if it will be the fate that will be for us as a race and as a people. My land is sick, the air is foul, and the water which sustains all life is poisoned. But we say there is still hope.

In 1848 the treaty between Mexico and the United States designated citizenship to the indigenous people of California. The government never extended those rights, but in 1851 the U.S. Congress enacted and authorized expenditures to the President of the United States to make treatise with the Native American Indians of California which included the Choinumni Tribe. When Waitoke the Chief signed the treaties, Superintendent Beale, authorized by the Congress, established five military reservations—one being the Kings River Farm where the Choinumnis went.

In 1873 or thereabout, an Executive Order from the President of the United States of America designated the closing and the transferring of the Choinumni Tribe to the Old Tule River Reservation. Information of such was never disclosed to the Choinumni Tribe or leaders.

Sir, we of the Choinumni Tribe and people ask for supportive services to sustain that which is pertinent to all living creatures upon this Earth, our rights of self-determination to live without fear on how we are to bury our dead within our own traditional ways, within our own traditional lands. If anything was proven, the Choinumni Tribe and other tribes proved we did survive, and with a little assistance like other immigrants we can and will create our own economic base. To achieve this, we must first become land based and secured in our self-determination.

Thank you.

[Prepared statement of Mrs. Davidian appears in appendix.]

The Chairman. Our next witness is the tribal chairman of the Nor-El-Muk Band of the Wintu, the Honorable Ray Patton.

STATEMENT OF HON. RAY PATTON, TRIBAL CHAIRMAN, NOR-EL-MUK BAND OF WINTU, HAYFORK, CA

Mr. Patton. Senator Inouye, my name is Raymond Patton. I am tribal chairman of the Nor-El-Muk Wintu. I am here to provide testimony, both written and oral, in favor of S. 611.

The Nor-El-Muk Wintu reside in their traditional land in Northwestern California. Our land originally encompassed 3,800 square miles in what is now Trinity County, western Shasta County, and part of Tehama and Humboldt Counties.

Over the last 140 years, our organization has remained active. During this time, we have made an effort to get Federal Government support and to be recognized, but to no avail.

In 1978, after the acknowledgement regulations were publicized, we began to document our history and trace our ancestral trees.

We didn't have a specific document in mind, and we didn't know what the petition should look like. We spent a lot of effort with our neighbors in trying to find out how this should be written.

In 1986, with the aid of NCIDC and Mr. Allogan Slagle we began to put a petition together. Tribal members spent many hours in the Trinity County Library and researched every copy of the "Trinity Journal" from 1851 to 1976 for documental evidence to be included in this petition.

On March 19, 1988, a 700-page petition was completed and signed in Hayfork, CA. In September the petition was submitted to the BIA in Washington, DC.

It is our understanding that we have met all the required conditions of recognition through this formally submitted petition; however, to date we have not heard or received a response back as to its review status.

Now we understand that there are many other petitions in Washington awaiting review, and it may take years before our petition receives final review.

This is upsetting to our people after spending many hours putting this petition together and numerous resources to complete it and then to know that this document may lay in Washington on some desk and not receive review in a respectable time.

S. 611 can be the answer to our problem, and we are encouraged with this proposed solution. We support your committee's endeavors in this respect, and we will continue to voice our concerns and plea for tribal recognition.

Thank you for your time and support.

[Prepared statement of Mr. Patton appears in appendix.]

The Chairman. Our next witness represents the Wukchumni Indian Council, Mr. Hector Franco.

STATEMENT OF HECTOR FRANCO, WUKCHUMNI INDIAN COUNCIL, CENTRAL VALLEY, CA, ACCOMPANIED BY MARIE WILCOX

Mr. Franco. Thank you, Senator Inouye.

My aunt and an elder from our council will be giving our testimony. Thank you.

Ms. Wilcox. Good afternoon, Mr. Chairman.

My name is Marie Wilcox [Indian name also given.] I am an elder of the Wukchumni Council of Tulare County. I have the privilege today of speaking on behalf of the elders and the membership of our Wukchumni people. We thank you for allowing us the opportunity to address this committee in expressing our concerns and opinions on the Federal acknowledgement process.

In the beginning, when the Great Spirit put my people on this earth, we were given a oneness with the land. We were instructed to take care of our earth, to be the caretakers, and to live in peace with all creatures that share our world with us.

My people flourished and our traditions passed from father to son and mother to daughter, and our children grew up in a world confident in who they were and what their place was among us.

Our civilization had law and order. Our language described our world and all within it. There was balance. My people, the Wukchumni, along with our neighbors, the Choinumni, Waksachi, Entebich, and Tache, are all known as "Inyana." We lived in peace and recognized one another and respected our place on this earth.

All this I have described to you was shattered by the intrusion of the white settlers and miners. Genocide was caused by the influence of their ministries, educational systems, and diseases that were not conducive to our culture.

In recent years we have had a hard time trying to protect our sacred sites. When we have approached the schools or city and county governments, they have refused to listen to our concerns. They tell us that we have no authority because we do not belong to a tribal entity, that we are not an organized group of Indian people.

We have not asked for much—only that these people respect what was left to us by our ancestors and allow us to protect and preserve the cultural significance that goes along with these places.

Although the State of California has recognized our people in the past, we are once again faced with more genocide. The BIA, in recent times, has begun putting greater restrictions on eligibility requirements for health services, higher education fundings, and legal services. These requirements are stipulating that we must be a registered member of a reservation in order to qualify for these services.

The California Indians are in a unique situation. These treaties were written to bring peace to these lands, but under Congressional order they were locked away, only to be removed some years later by the newly-formed Treaty Commission. Still, the government has not seen fit to rectify those previous negotiations. At one point in time, attempts were made to destroy these treaties rather than let them become known as broken promises. We have never been given the appropriate opportunities to participate in a government-to-government relationship.

The association we have formed in the Central Valley Area represents 13 tribal groups seeking Federal acknowledgement. The approximate number for this representation is around 15,000 to 20,000 Indian people. We feel theses figures, alone, provide proof that is necessary for this recognition. Our question to you is: why are we the only people in this land who must provide proof of our origin? We feel the burden of proof should lie not on us, but the U.S. Government to disprove this fact.

In closing, Senator, the Wukchumni Council and its members support the current proposed legislation, S. 611, and encourage you, your committee, and other supporters to seek the backing necessary from the other Members of Congress to pass this important piece of legislation for the indigenous people of this land.

Thank you.

[Prepared statement of Ms. Wilcox appears in appendix.]

The CHAIRMAN. Thank you very much.

Our next witness is the chairperson of the Ukiah Tribe, the Honorable Dorene Mitchell.

STATEMENT OF HON. ROMAYNE SHEPERD, CHAIRPERSON, UKIAH TRIBE, UKIAH, CA

Ms. SHEPERD. My name is Romayne Sheperd, and I am speaking as the alternate for Dorene Mitchell. She sends her welcome and thank you for your interest and time that you spend on California Indians.

I am here to testify on behalf of the Yokayo Tribe of Indians, who have a pending petition before the Branch of Acknowledgement and Research under the United States Department of the Interior. We are proceeding through the review process and hope to succeed before more of our beloved elders pass away.

I wish to inform you that we have been seeking Federal acknowledgement since approximately 1982, and have filed our position in January of 1987.

We do hope that this bill will expedite the process and allow us to enjoy the benefits which the majority of other Indians in the United States do.

Approximately 500 or more Indians throughout California are eligible to be enrolled through descendance rights; however, only 70 members are duly enrolled because of rules and regulations governing non-enrollment policies of more than one tribe.

Our tribe has been living under Bureau of Indian Affairs' rules for at least 20 years, but we are deprived of the benefits of the Bureau of Indian Affairs' services.

We are now seeking Federal status since we meet the criteria already as specified by the Branch of Acknowledgement and Research. We have not sought Federal status before 1982 because of the fear of losing our land to the Federal Government. We already have a reservation. We lost an acre to the United States Government through a forced sale resulting from a 1916 lawsuit against us by the United States Government which the United States now holds in trust for us. We now realize that they held trust title to it since 1916 and did not use it for any but our benefit and purposes; therefore, a trustful bond has been established between us, and we will proceed with our petition.

We now desperately need the protection of Federal status in legal, social, economic, health, educational, and other matters if we are to survive as an Indian tribe.

We live by our treaty with the United States in 1851 to the present day, even though we were supposed to receive 35,000 acres, as stipulated by the Treaty of Guadalupe Hidalgo with Mexico in 1848 when California was ceded to the United States of America.

We have lived by California State laws, Mendicino County laws and codes, and Ukiah City laws—even when they made it illegal to associate with caucasians—and by our own tribal laws, which remain. Unfortunately some of tribal laws conflict with the new social attitudes; therefore, we will have to reeducate our youth with attitudes concerning care for our Mother Earth and conservation of our environment.

In 1988 the State of California experienced a drought, but we experienced a drought condition since 1985. We went for two weeks without water in July of 1985, and intermittently for four days or less every few months. We may receive some help from the State

Community Development Block Grant to Mendicino County this year in 1989, but that is still not guaranteed.

We may need some protection with our water needs in the future. We are developing plans for future water needs, but we may experience problems with neighbors who need water for their vineyards and animals.

We hope to find a workable solution for our human needs for water with the help of the State and county health and safety codes.

I would like to offer you a newspaper article which just came out on April 21, 1989, which regards our request for assistance through the Community Development Block Grant in which it explains our tribe had purchased our land in 1881, which we still hold for our tribe, but the headline reads, "A 19th Century Defiance becomes a 20th Century Headache." That's the treatment we get in Mendicino County. It is a long article. I would like to make a copy and give it to you.

The **CHAIRMAN**. Thank you.

Ms. **SHEPERD**. Thank you very much.

[Prepared statement of Ms. Sheperd appears in appendix.]

The **CHAIRMAN**. Our next witness is Mr. Alan Wallace of the Maidu Tribe.

Mr. Wallace.

[No response.]

The **CHAIRMAN**. Then we will call upon Mr. John Hayward of the Wintu Tribe.

STATEMENT OF JOHN HAYWARD, WINTU TRIBE, REDDING, CA, ACCOMPANIED BY VERNON JOHNSON, EXECUTIVE DIRECTOR, CALIFORNIA COUNCIL OF TRIBAL GOVERNMENTS, INC.

Mr. **HAYWARD**. We're going to be doing this together. Vernon Johnson will do all the talking.

The **CHAIRMAN**. All right.

Mr. **JOHNSON**. Thank you. I'm further down the list, so you can get two birds with one rock here.

My name is Vernon Johnson. I am the Executive Director for the California Council of Tribal Governments.

Just this past Saturday, our council met. We have 24 tribal members. We met and we passed a resolution supporting the Wintu Tribe for Federal recognition. Our council also supports S. 611. However, there are some portions of it that are not quite clear.

For example, on page 15 and 16 there is a section in there that the Bureau of Indian Affairs has already identified as the petitioners have to meet all of the requirements. I think that the petitioners should, if they apply under section 7(b) only have to meet one of the requirements. That's one of the questions that I have on it.

The other thing is on page 4 and 5 where it states that the tribe has to have continuity to be in contact, or a tribe within a period of 50 years. We're very concerned that back in the early 1900s, the turn of the century, when the United States had what they called a "deculturization process," a lot of the children were taken away and put in Indian schools and government boarding schools. There was a break in the continuity, and now a lot of these kids are at adult age and they're trying to get Government recognition.

So I think, Senator, you should review that a little closer.

The other thing is that we are in full support of the Wintu Tribe. They have been treated very badly—as far as we know, the worst in the State in regards to one of the tribes that actually signed the treaty.

Last, the Wintu Tribe of Shasta County would like to present you with a gift. Since you were here 10 months ago you are a man of your word. You followed up on the eligibility rule and got the final ruling extended for three years. We have a gift for you—an Indian beaded bottle.

Thank you very much.

[Prepared statement of Mr. Johnson appears in appendix.]

The CHAIRMAN. Thank you very much.

Our next witness is from the Redding Rancheria, Ms. Diane McKenzie.

Ms. McKenzie.

[No response.]

The CHAIRMAN. Then I will call upon the chairman of the Coast Indian Community, the Honorable Kenneth Jones.

Mr. Jones.

[No response.]

The CHAIRMAN. May I call upon Mr. Lester Alpert of Quartz Valley Indian Reservation?

[No response.]

The CHAIRMAN. Then may I call upon a member of the Maidu Tribe, Mr. Marvin Benner?

[No response.]

The CHAIRMAN. May I call on the chairman of the Antelope Valley Band of Paiute Indians, the Honorable Bill Lovett?

STATEMENT OF HON. BILL LOVETT, CHAIRMAN, ANTELOPE VALLEY BAND OF PAIUTE INDIANS, CA

Mr. LOVETT. Mr. Chairman and committee, my name is Bill Lovett. I am tribal chairman of the Antelope Valley Band of Paiute in Coleville, CA.

I will make this short due to the time and due to your request that it be short.

Federal recognition and Federal acknowledgement are words it seems the Federal Government doesn't like to respond to, and if they do, it is at their convenience. Petitions that could take months are dragged into years. We have had ours in since 1978.

Being unrecognized has many pitfalls. We are denied housing. We are denied education. We are denied many other valuable government services.

By coming to California, Mr. Chairman, it shows you and a few government officials do want to right a wrong. I am sure we can count on your continued support.

It is with a deep sense of appreciation we thank you.

The CHAIRMAN. Thank you very much, Chairman Lovett.

Next may I call upon a representative of the California Indian Council on Aging, Mr. Patrick Renick.

STATEMENT OF PATRICK RENICK, CALIFORNIA INDIAN COUNCIL ON AGING, SACRAMENTO, CA

Mr. RENICK. Thank you, Mr. Chairman.

Honorable Chairman Daniel K. Inouye, Senate Select Committee on Indian Affairs, my name is Patrick Renick, program director for the California Indian Council on Aging.

Through the dedicated efforts of several Native American senior citizens of our large State, CICOA has attempted to be advocate for California Native American senior citizens. The majority of the 10 years has been spent with little or no funding. CICOA has representatives from 42 tribes and organizations in California.

CICOA has supported the amendments to the Older Americans Act, but has not received benefits from the act except for the 10 title VI programs. California continues to maintain title VI programs in the State. There is justification for an additional 20 title VI nutrition centers in rural areas of California. The urban Indian areas have their own problems that deal with Native American senior citizens, but mainly receive their programs through title III.

California has the largest senior citizen Native American population, but also has the distinction of being the most under-served, under-represented minority group in the State. The State Department on Aging has designated 33 planning and service areas responsible for administering programs for the elderly. Our program has identified only six Native Americans that are represented out of the thirty-three planning service area boards.

The Indian Health Service California Area Office contracts with eight urban Indian clinics and twenty-one rural tribal health centers. California's uniqueness comes from California Indian people organizing their own health programs, California being a 100 percent contract State. All other Indian Health Service area programs outside California have been Indian Health Service financed and operated service units and hospitals.

California does not have any Indian Health Service, service units, or hospitals. Most of California clinic facilities are either tribally owned or leased. Many of the rural clinics offer tertiary care, and working toward joint accreditation of Community Health Organizations—JACHO.

The majority of California's health programs do not have comprehensive health care due to inadequate funding or because they are still in the development stages. The overlaying factor may be because Indian Health Service funds and services are not geared toward geriatric health care. There is a lack of documented information where they live, housing conditions, continued status of their health conditions, and the failure of IHS policymakers to design mental health approaches which are appropriate to their social and cultural settings in which the senior citizens have need of services.

In conclusion, Mr. Chairman, the California Indian Council on Aging is aware that the daily living circumstances of Native American senior citizens pose a continual threat to the ability of Native Americans to maintain a healthy outlook on their daily lives and their future. To be a California Native American senior citizen living in a rural area represents being a member of the most under-represented, under-served, discriminated segment of the American society.

I would hope my comments will give this oversight field hearing a more concise understanding of the vast complexities of unresolved Native American senior citizen issues that will necessitate future oversight field hearings in California.

I thank you, Mr. Chairman, for the time.

[The prepared statement of Doris Renick appears in appendix.]

The CHAIRMAN. Thank you very much.

Now may I call upon the chairman of the Indian Canyon Reservation of Hollister, the Honorable Ann Marie Sayers.

STATEMENT OF HON. ANN MARIE SAYERS, CHAIRMAN, INDIAN CANYON RESERVATION, HOLLISTER, CA

Ms. SAYERS. Good afternoon.

S. 611 is very much a necessity for California Indians. We have gotten the short end of the stick since after contact all the way around.

I would like to share with you Indian Canyon. It is located in Hollister. Indians have always lived there.

A number of Indians here today are products of the mission system, of which there are 21 missions here in California. It was forced labor for the Spaniards coming up, and the Indians that did not like their treatment would go back to their band and/or village to be rallied up again in two or three days, for their labor was needed.

Indian Canyon is an area that is exquisitely beautiful. It is very spiritual. There are seven waterfalls, the frequency of water is very therapeutic. It does share a lot of stories with one. But it happened to be an area that wasn't that accessible to the Spaniards, and so a number of Indians that did not want to be brought back to the mission system would go to the area. Indians still live there today.

Not being federally recognized has deprived one of quite a number of benefits that are a necessity and also a responsibility of this government. I think what you have done up to this point in time with Senate bill 611 is very good for our people, and with our heart from Indian Canyon we do thank you very much.

[Prepared statement of Ms. Sayers appears in appendix.]

The CHAIRMAN. Thank you.

May I now call on a tribal council member of the Tolowa Nation of Crescent City, the Honorable Barbara Eller.

STATEMENT OF HON. BARBARA ELLER, TRIBAL COUNCIL MEMBER, TOLOWA NATION, CRESCENT CITY, CA

Ms. ELLER. I'm Barbara Eller from Crescent City, California, Tolowa Nation.

As time is short, I'll just read the resolution.

> Tolowa Nation Resolution 89-01.
>
> Whereas, we, Tolowa Nation, do hereby agree in uniting with the Association of Non-Federally Recognized Tribes of California to pursue action in becoming federally recognized; and
>
> Whereas, Tolowa National Tribal Council on May, 1989, agreed to send two representatives to attend a meeting for unrecognized Indians of California at Clovis, California; and

Whereas, at our August, 1988, regular meeting voted and approved to become united with the Association of Non-Federally Recognized Tribes in California; and

Whereas, Tolowa Nation Tribal Council authorizes Logan Slagle to represent Tolowa Nation's interest with the Association of Non-Federally Recognized Tribes in California; therefore, be it

Resolved, that Tolowa Nation strongly adheres to the functions of the Association of Non-Federally Recognized Tribes in California.

It is signed by Audree D. Bowen, President, and Janice M. Bowen, Secretary.

Thank you for listening to us.

[Resolution and prepared statement of Audree D. Bowen appears in appendix.]

The CHAIRMAN. Thank you very much.

Our next witness is a tribal council member of Crescent City, the Honorable Junie Mattice.

[No response.]

The CHAIRMAN. The next witness is another tribal council member of Crescent City, the Honorable Nellie Chisman.

[No response.]

The CHAIRMAN. The next witness is Mr. Gregary Schaaf of Chico.

STATEMENT OF GREGARY SCHAAF, CHICO, CA

Mr. SCHAAF. Thank you, Senator Inouye.

It is a pleasure to testify once again before the select committee. You may recall our meeting in December 1987 at the hearings on Resolution 76 where I testified before you on behalf of the Iroquois Confederacy.

I really appreciate your concern for the need for accurate historical information and research for the original people of this land.

As an historian, I can tell you it is absolutely a miracle that these people are here and alive today. The history of this land and these people—it is truly a tribute to their courage and their tenacity and their strength that they are here still standing up for their rights.

What can we do to help facilitate them? My concern is: how can we best help the Indian people here gain access to the documents which will help determine their status and assure their sovereign rights as Indian nations.

There exists over one million pages of documents in the National Archives, the Library of Congress, and the Smithsonian, as well as in repositories from coast to coast. They are scattered all over.

These folks have some of the pieces. You have some of the pieces. Some of the pieces are buried deep into the National Archives.

My suggestion is very simple. I propose that there be created a central repository in California where all of the papers related to California Indians can be gathered, organized, and distributed. To achieve this goal, California State University, Chico, my home college, and Stanford University have teamed up to design a model for the creation of the National Center for American Indian Research and Resources.

I have submitted in my written testimony charts showing our organization plan as well as outlines for our step-by-step plan of how to bring all of this material together and to get it back into the hands of these people.

We recently have submitted a grant proposal to the U.S. Department of Education for initial start-up funds and are exploring avenues to create a permanent facility. We have the manpower. Last semester we had over 1,000 students at my campus, alone, who took classes in American Indian studies.

We have the expertise. We have broad-based community support. Last month we delivered a proposal which was warmly received by the U.S. Department of Education Annual Conference on Indian Education.

However, our efforts could be accelerated with the support and cooperation in the following areas.

One, we need full cooperation from all Federal agencies to gain access to documentary evidence. Presently, researchers can't get in directly to the staff where the documents are in the National Archives. We have been barred from that. I don't know if you are aware of that fact.

Number two, we need an efficient network to share information directly with Indian nations and other Indian groups. Every tribe at least needs a fax machine and a computer so that we can begin to send information directly to these people and share information.

Number three, we need a National Center for American Indian Research and Resources. Money could be saved. Indian people could be better served by having a central clearinghouse for documentary information where all this information could be channeled. Under the present situation, each of these tribes receive $20,000 or $30,000 for one year of research. Three or four tribal members fly into D.C. They spend five or six weeks hunting for the needles in the haystack, and at the end they hope they have gotten lucky to have found the documents which will prove political continuity which, as you have heard, is the most difficult thing to prove, to satisfy the criteria.

It seems logical to create a National Center for American Indian Research and Resources.

How might the Select Committee help facilitate the effort to ensure its success?

Thank you very much for putting my testimony in the record.

[Prepared statement of Mr. Schaaf appears in appendix.]

The **Chairman**. Our next witness is of the Maidu Nation, Ms. Clara LeCompte.

STATEMENT OF CLARA LeCOMPTE, MAIDU NATION, ACCOMPANIED BY, GEORGE ENGASSER, STUDENT, CHICO STATE UNIVERSITY

Ms. **LeCompte**. Hello. I am Clara LeCompte, and I'd like to welcome you to Indian country.

I'm not going to give our testimony today. That will be given to you by one of our students at Chico State University.

George Engasser. Good afternoon, Senator. My name is George Engasser. It was my professor, Mr. Schaaf, that just spoke before you.

The Maidu Nation thanks you for giving us this opportunity to testify on behalf of our people.

Although the Maidu people have numerous issues to present and protest, time limits us to the more pressing issue of Federal acknowledgment; in essence, our identity as an Indian Nation.

It has been the standard procedure that the usual governmental process of Federal acknowledgement must be followed before we, as California Indians, will finally be allowed that consideration granted tribes of all of other States by virtue of ratified treaties, not Federal acknowledgement.

Because the treaties of 1851 and 1852 were rejected by the Senate and remain unratified even now, the non-recognized California Indians are facing social, political, and economic hardship, and the legal maze of governmental policies, legislation, commissions, acts, trusts, and laws failed to take into consideration the numerous California Indians that don't reside on rancherias or reservations, which is apparently the qualifying factor of "federally-recognized" Indians.

This discriminating fact has become clearly apparent to the members of the Maidu Nation. Also, our own tribal laws, religion, ceremonies, and even our history have had no effect on that bureaucratic bible that can make a distinction of who is and who isn't an Indian.

How long must we remain still unrecognized or obscured in legalities? We, as an indigenous people, aren't trying to join an elite group or fraternity. We only want our civil and human rights, our traditional lands, and the rights of a sovereign nation acknowledged and returned to us. Too long have we faced discrimination and termination by installments from a government that hasn't yet ratified the treaties of California.

Our testimony here today is to recommend a process not so complex and lengthy as the BIA's regulations, guidelines, and policies for Federal acknowledgement, but rather the recommendations of the Association of Non-Federally Recognized Tribes of California outlining not only tribal qualifications, but the sovereign rights of an indigenous people. We therefore support the Senate bill 611 with these recommendations in mind.

Also, Senator, personally I would like to thank you, and I hope that your people in Hawaii appreciate you as much as I do and I'm sure as all of our people do here today, for your efforts on the behalf of our gaining our recognition as citizens of this country. And for this I hope that history will judge you very kindly for your efforts toward helping us today. May God always bless you.

[Prepared statement of Ms. LeCompte appears in appendix.]

The CHAIRMAN. Five centuries ago, before the coming of the first European, historians have suggested that there were hundreds of klans and families and little tribes all over what is now California happily involved in fishing and hunting and other endeavors. However, since then the history of California has been one of tragedy and disgrace.

First came slavery. Then, after that, removal and termination. But somehow, as the professor said, the Government of the United States did not succeed in terminating Indians. They are still here, alive and well. I can assure you that as long as I am around we will not permit bureaucratic bungling and inaction to serve as an obstacle to stop you in your quest for recognition.

In the early days, we have no idea how many Indians lived in this area, but it is suggested that it could be anywhere between 200,000 and one million. Many suggest about 500,000.

Today in the State of California there are approximately 210,000 Indians residing in the State. Of that number, 70,000 are from California. The others came from other parts of the United States.

The situation here is truly a disgraceful one. It is a black page in the history of this country.

I have no idea whether this bill will cure it, but we will try. Much as we want to turn back the pages of history, we all know that is not possible. But we will do our best to rectify the problems as Americans.

I thank you very much. [Applause.]

This hearing will now stand in adjournment, and we will reconvene in 15 minutes.

[Whereupon, at 2:58 p.m., the committee was adjourned, scheduled to reconvene at 3:15 p.m. the same day.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

TESTIMONY OF STEPHEN V. QUESENBERRY, CALIFORNIA INDIAN LEGAL SERVICES, ON S. 611

Before the United States Senate Select
Committee on Indian Affairs
(April 28, 1989)

Good afternoon, Mr. Chairman. My name is Stephen Quesenberry. I am testifving today at your invitation on behalf of California Indian Legal Services (CILS). I am presently the Director of Litigation for CILS and have served in this capacity for the past four years. I have also served as a directing or staff attorney in four of the five CILS offices. In these various capacities, spanning a ten-year period, I have become well-acquainted with issues relating to the federal recognition of California Indian tribes.

We appreciate the invitation and the opportunity to present testimony on S. 611, legislation that we strongly support and that we believe is long overdue. California Indian Legal Services has been providing legal assistance to California Indians on issues of tribal status and federal recognition for more than two decades. The situation of California Indian people with reference to the question of federal recognition is a complex one. Thus, the importance of this legislation to unrecognized California Indian groups cannot be fully understood without examining the unique, and in many aspects tragic, history of California Indians spanning the last century and a half. This history provides the answer to the question of why so many California Indians are unrecognized.

In our view, the recognition problem in California had its genesis in 1852 when the United States Senate, under pressure from the California congressional delegation, refused to ratify 18 treaties negotiated with California tribes. These treaties, if ratified, would have established a significant Indian land base in California, and accorded formal federal recognition to many of the Indian groups represented here today. Because of the Senate's refusal to ratify the treaties, the California Indian land base is minuscule, numbers of still-intact tribes have no land whatsoever, and a large percentage of California Indians, possibly a majority, are excluded from federal Indian programs which require membership in a recognized tribe. This early breach of faith by the United States set in motion the policies and attitudes that persist to this day in the federal government's continuing failure to fairly and responsibly address the special problems of California Indians.

To say that the native Indian tribes and bands of California suffered greatly with the influx of Anglo-Europeans to this state during the 1800s is to grossly understate the brutality with which they were treated. Indian people were forced off their lands, relocated away from populated areas, and often served as a source of indentured labor for the white population. It was not unusual during this wild period of California history for groups of Indians to be slaughtered with impunity. Indian culture was brutally repressed and the federal government's weak attempts to protect isolated Indian groups from the genocidal attitude of certain elements of the white population were largely unsuccessful. Some Indian groups were forcibly removed to the four authorized California reservations (see Act of April 13, 1864, 13 Stat. 39, the "Four Reservations Act"); yet even this "solution" afforded them only a small measure of physical protection and subsistence. The situation at the turn of the last century was grim. The incidence of death and disease among California Indians was exceedingly high, tribal culture in many areas had been devastated, and most of the dwindling population of California Indians resided in remote areas of the state or in small rural communities where they were tolerated rather than accepted.

It was in the early 1900's that the Congress, at the behest of sympathetic governmental officials and citizens concerned with the economic and physical distress of California Indians, passed special legislation to acquire isolated parcels of land for homeless California Indians. Many Indian communities and groups that had retained some form of tribal identity and continuity were restored to modest parcels of land and given some measure of protection and recognition by the federal government. These land acquisitions resulted in what has been referred to as the rancheria system in California, the term "rancheria" meaning, essentially, a small Indian reservation. Yet, even this limited effort to address the needs of California Indians was halted when the federal government undertook, pursuant to the Rancheria Act of 1958, to terminate the status of 41 California rancherias.

The misguided policy of termination, which has since been repudiated by Congress and the Executive Branch, resulted in further suffering for California Indians. Lands were distributed in fee to individual Indians, but the water and sanitation facilities promised under the terms of the Rancheria Act were, in virtually every circumstance, either inadequate or not provided at all. As a consequence, most of these lands were rendered uninhabitable and were subsequently sold or passed out of Indian ownership pursuant to tax sales. This situation persisted until the late 1960s when California Indian Legal Services was first established. Commencing in 1967, CILS spearheaded an effort to reverse, through litigation, the termination of the California rancherias, and to restore to California tribes and bands the recognition and authority that had been stripped from them by the government's dishonorable refusal to ratify the 18 treaties, by its ill-fated termination policy, and by its overall historical inaction and incompetence in overseeing the Indian affairs of this vast state.

Over a period of more than 20 years, California Indian Legal Services has succeeded in unterminating, through judicial decision or settlement, 23 of the 41 rancherias originally scheduled for termination. Another 4 of these rancherias are presently engaged in litigation to restore their federally recognized status and the prospects are good that their case will be settled within the next few months. This will bring to a total of 27 the number of rancherias that have been restored to federally recognized status through the efforts of CILS and the Indian groups it represents.

California Indian Legal Services has also represented a number of Indian groups in their efforts to obtain federal recognition. The groups that immediately come to mind are the Death Valley Timba-Sha Shoshone Indian Tribe and the Jamul Indian Village in San Diego County. I can assure you, Mr. Chairman, that the costs of undertaking complex untermination litigation, or of preparing a federal recognition petition, both of which involve extensive research of historical records and data and protracted dealings with the federal bureaucracy, have been extraordinary. Not only for the Indian groups and their lawyers, but also for the federal government, which until the early 1980s resisted efforts to unterminate California rancherias even though the government's breaches of trust in failing to properly implement the Rancheria Act were clearly evident.

I mention these facts to give you a brief historical perspective on the way in which lack of federal protection, inconsistent federal policies, the failure to ratify treaties negotiated in good faith, and the generalized federal neglect of California Indian people has brought about a situation in which groups of California Indians have been deprived of their rightful status as sovereign Indian tribes or bands. Because many of the smaller California Indian groups lack a land base, because their traditions and culture were severely repressed with only the remnants intact today, and because they lack the formal recognition embodied in a ratified treaty, the claims of these groups to federally recognized status have often been viewed with skepticism. The irony of this situation is compounded by the fact that the United States Government, which in many instances aided and abetted the fragmentation of tribal culture and tribal unity in California, has for decades sat in critical judgment of the tribal status of these groups.

S. 611 signals a new, expedited and, most importantly, a fairer and more honorable approach to federal recognition. Yet it also draws from a decade of experience with the federal acknowledgment process and from judicial decisions that have articulated the various indicia of tribal status. The terms of S. 611, are fair, reasonable and properly take into account the historical circumstances of American Indian tribes, especially groups such as the California Indians, whose cultural and tribal traditions suffered the greatest at the hands of white people. The bill is flexible without sacrificing the necessity for specific objective criteria for determining tribal existence. It provides a "fast track" for those groups that can establish specific instances in which the federal government has dealt with them as governmental entities, and greatly accelerates the process of review for all petitions. It adds elements of certainty and accountability to the review process. In addition, S.611 rightfully takes account of the 18 treaties that were negotiated in good faith by California Indian tribes in the nineteenth century, but were never ratified. Finally, it does not impair, in our view, the interests of those tribes that are already federally recognized, nor does it prejudice the rights of those tribes that have claims against the United States for breach of trust or for wrongful withholding of services or benefits.

S. 611 would do much to alleviate the disabilities suffered by California tribes because of their lack of recognition, and would also provide stronger justification for the current congressional trend towards requiring membership in a recognized tribe as a basis for participation in federal Indian programs. In addition, it would resolve many of the problems related to the inconsistent and contradictory determinations of eligibility of California Indians for various BIA programs. As members of federally recognized tribes, more California Indians would be eligible to participate in federal programs. Programs from which they have, in our view, been unlawfully excluded.

Without this legislation, I have no doubt that costly and time-consuming litigation will eventually prevail as the primary means for tribes to achieve federal recognition. The standards distilled from oftentimes conflicting court decisions will only add to the increasing uncertainty in this area. Such litigation, which inevitably takes years and great expense to complete, would be unnecessary if this bill passes. Moreover, numbers of California tribes which have already filed for recognition could achieve recognition much more quickly at greatly reduced cost.

I commend the intent reflected in the language of this bill. It is a justifiably generous one, and constitutes a major step by the Congress towards addressing a complex problem which demands the comprehensive approach reflected in this legislation. I also commend you and your committee for undertaking this task in a morally and legally responsible manner, and thank you for providing our program with this opportunity to provide you with our views on this extremely important and historic piece of legislation.

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Testimony of
DUNLAP BAND OF MONO INDIANS
by DOCK DICK
Aril 28, 1989

My name is Dock Dick, I am a full-blooded Mono Indian from Dunlap. I am 79 years old and the oldest member of my tribe. I share the tribal chairmanship with my first-cousin, Albert Charlie,-who cannot be here today because of illness. I want the record to show how I feel and how my tribe feels.

I live in Dunlap, a small mountain community in Eastern Fresno County. My tribe was originally located south of the Kings River and west of Kings Canyon National Park. My people lived off the land and even raised oat hay; we lived on rolling hills just below the timberline. We were removed from our original homesite, called "Rancheria", into Dunlap. We were given Indian Trust Land Allotments in exchange for leaving. A treaty was signed in Rancheria providing for plows, horses, homegoods, etc. to all the families. My ancestors are still in Rancheria in an unmarked cemetery. After we left Rancheria it was homesteaded by a non-Indian and has passed many hands through the years. It currently is owned privately and with the help of the United States Forest Service we have been able to protect our ancestors' graves. Out of the thousands of acres of land given to our people we have only three 40-acre parcels left. We have descendents living on theses allotments but they are ineligible for help from the Bureau of Indian Affairs because they are not Federally recognized. These people live in sub-standard housing because the Indian Trust land and the sovereignty it represents exempts them from county and state building regulations. The community's isolation provides for very few jobs and socio-economic level is below standard.

Some of our tribal memebers who transferred their allotments into taxable property have no sewer systems; some have just recently installed plumbing to allow running water into their homes. Most of our members need financial help and are ineligible because of tribal affiliation laws or they fall through the loop holes for eligibility from county or state funding because they have kept their land and it is too valuable.

We realize the Federal Recognition laws were initially supposed to protect us and our future generations; however, we feel we are having to duplicate facts that have already been established by the Bureau of Indian Affairs. They have made us sign treaties as a tribe; they have given us deeds for property that they control; they have given us roll numbers and blood quantums and provided for financial aide in education and health services. The Bureau of Indian Affairs has already recognized us as Mono Indians; now, they want us to prove it all over again!

The aliens today when they apply for anmest must prove they have been in the United States since 1982. If they can verify their existence, they receive all civil rights and even the possibility of citizenship later on. Yet, Native Americans fought overseas for the United States before they became citizens and before they even had the right to vote. We are indigenous Americans and now we have to document our existence--it sounds crazy when you try to explain our situation to others. Inevitably, the next thing these people ask is, "Why?".

I have taught my children to be proud of their ancestry and I have taught them that the opportunities for success exists if they want it and to forget about the past and unjust way our people were treated. But now, you are trying to take away the most valuable thing we have left--our IDENTITY, our ETHNICITY, our HERITAGE. What will we be if we are not MONO INDIAN?

AN-FRTC

Senator Inouye, Chairman
Senate Select Committee on Indian Affairs
Washington, D.C.

Senator Inouye,

On behalf of the members of the Association of Non-Federally Recognized Tribes of California, as well as from the Elders and Council of the North Fork Mono Tribe, we welcome you and your staff to California.

Our Association grows stronger and larger each month as does our needs and frustrations. Since our first gathering in February of 1988, between 55 -65 representatives from throughout the state, from the Tolowa to the Tubatulabal from the Ohlone to the Mono, have been meeting monthly to effect passage of Federal Legislation toward our goal for Federal Acknowledgement.

We're the indigenous people still living in our aborigional lands, still culturally oriented, maintaining, preserving, respecting, and teaching values and traditions of the Old Ways, while living in a modern society. We are descendants of Parties to Treaties and Claims still seeking Federal Acknowledgement denied our ancestors.

Yet, we still find ourselves without civil rights and civil liberies guarenteed all other people of the United States except those of us who are unrecognized Native Americans. We deal daily with the grave concern of denial on issues of Health, Education, Housing, Economic Development, Legalities, Sacred Grounds, Preservation of our Ancestral Grounds, and freedom to practice our Religious, Cultural and Traditional Ways.

Displaying unity on Feb.25,1989, the Association members voted unanimously to support a draft of the FAP Bill with the contingent that an addendum be attached listing the California Tribal groups applying for reinstatement of Federal Recognition. The reason for the contingent was because of the discrepancy in the Draft concerning the indentification to Treaties, the fast tracking process, the unclarity of what was a petition and what submittal meant. Following the February meeting, our lobbyist, Mr. Allogan Slagle returned to Washington with our concerns, hopeful of making the proper changes.

In March, I contacted Mr. Richard Minett a staff member in your office, who claims to have written the bill, and asked him for clarification on what a submitted petiton meant. He was unable to clarify the question.

Bill S611 is designed to put applying tribes on an equal basis for qualification of the criterion for Federal Acknowledgement. After reviewing the Bill many times, we find the criterion of the petition for acknowledgement eliminates our earlier concerns except one; which is, the clarification of what is a submitted petition .

Submittal is very, very important. We are under a timeline of Federal Recognition for Indian Health Services. Time has since ran out for the unrecognitized California Indian to receive educational and housing grants. We struggle constantly over issues on freedom of religious rights and practices.

California Indians have a record of uniting for a cause and Tribal Recognition is an issue we're very united about.

Senator, this bill is your bill, we would like it to be our bill. Bill S611 is your asperation, we'd like it to be our victory. Therefore, the Bill must give all of us an equal timeline for recognition status.

Thank you,

Sincerely,

Ron W Goode

Ron W. Goode, Legislative Chairman
Association of Non-Federally Recognized Tribes of California
Tribal Chairman of the North Fork Mono Tribe
(209) 443/8123-wk/ 299-3729-hm

THE MAIDU NATION
P.O. BOX 204
SUSANVILLE, CA. 96130

RESOLUTION # 07-88-003

RE: Consolidation ANRT

WHEREAS: The Maidu Nation is a sovereign nation and have resided continuously within our historic and traditional boundaries in Northeastern California , without the benefit of "land-base" and,

WHEREAS: the Maidu have united as a Nation to formally protest the discrimnatory treatment of our people by the United States Government, and

WHEREAS: The Maidu have expressed a desire and need to consolidate with other Indian Nations who have been placed in the same class as ourselves, commonly referred to as Non-Federally recognized Indians, and,

THEREFORE BE IT RESOLVED: That the Maidu Nation join with the association for Non-Federally Recognized Indians, and,

BE IT FURTHER RESOLVED: That the representatives of the Maidu Nation fully support the "Association" and shall do all things in our power necessary to assist in the struggle for fair treatment of our Indian nations, by being granted Federal Recognition.

CERTIFICATION

At a duly held meeting of the Maidu Nation Representatives, with a quorum of six (6), the above resolution was approved this 29th day of July, 1988

LeCompte
TRIBAL LEADER--MAIDU NATION

Sharon Guzman
BUTTE COUNTY REP.

Marie Reid
LASSEN COUNTY REP.

Martha
YUBA COUNTY REP.

Rena Bushman
PLUMAS COUNTY REP.

Alfred Kitchen
TEHAMA COUNTY REP.

RESOLUTION NO. 7-88-004

WHERRAS: The Maidu Nation has historically and countinously existed in Northeastern California in groups, communities and families, and whereas, the Maidu People have suffered injustices since the Gold Rush Era and presently live in an ERA basically programmed for "Federally-recognized" Tribes, and

WHEREAS: The Maidu People have been counted and used by Federally Recognized Tribes for contracting purposes with approval of the I.H.S. and B.I.A., but have been denied the right to be included in their board composition, because they "are not" Indian, as defined in Section 4(a) of the Act", and,

WHEREAS: The Maidu Nation protests this racist policy of the Indian Health Service and the Bureau of Indian Affairs and,

WHEREAS: The Maidu Nation has formed an "alliance" with the (Association), and

WHEREAS: The Maidu Nation has a need for legal assistance, now,

THEREFORE BE IT RESOLVED: That the Maidu Nation fully supports the Association choice of Allogan Slagle, to represent the Non-Federally recognized tribes of CA, and authorize Allogan Slagle to act on behalf of the Maidu Nation.

CERTIFICATION

At a duly held meeting of the Maidu Nation Representatives, with a quorum of six (6), the above resolution was approved this 29th day of July, 1988.

Clara LeCompte
TRIBAL LEADER MAIDU NATION

Sharon Guzman
BUTTE CO.

Rena Bushman
PLUMAS CO.

TEHAMA CO.

Marie Reid
LASSSEN CO.

YUBA CO.

July 2, 1988

The Maidu Nation of Northeastern California request Membership in the Association for Non-Federally Recognized Tribes of California -

Please consider this letter as our authorization to support the "association of Non-Federally Recognized Tribes" formation, and we also authorize a resolution for Allogan Slagle to represent The Maidu Nation along with other Non-Federally Recognized Nations. a Written Resolution will be forthcoming. Thank You -

Clara LeCompte
Leader - Maidu Nation
P.O. Box 204
Susanville, Ca. 96130
(916) 257-9691

American Indian Council of Mariposa County

P. O. BOX 1200 ● MARIPOSA, CALIFORNIA 95338

NICK BROCCHINI
Chairman

LOUIS COLEMAN
Vice Chairman

REGINA RHOAN
Secretary

SARA LOVELL
Treasurer

DELLA HERN
Director at Large

JULY 29,1988

TO: ASSOCIATION for NON- FRDERALLY RECOGNIZED TRIBES of CALIFORNIA
Attention- Allogan Slagle(Association Attorney).

The American Indian Council of Mariposa County held a special meeting on July 20,1988, in Mariposa, CA. The members present at the meeting approved by voice vote that the Council become a member of the Association for Non- Federally Recognized Tribes of California.

The Council members also approved, that while the Council is a member of the Association for Non- Federally Recognized Tribes of California. The Council authorizes Allogan Slagle (attorney)of the Lutheran Office on Governmental Affairs, Washington, D.C. to assist our Council/Tribe with the Federal Recognition Process and to keep us informed of all activities regarding Non- Federally Recognized Indian Tribes of California.

DATE SUBMITTED: July 30,1988

SIGNED BY Nick Brocchini Chairman
Sara S. Lovell ,Board Member
Jay Johnson ,~~Board~~ Member

MARTHA TAPLERAS
Chairperson
MARGARET HERNANDEZ
Vice-Chairperson
MARIE WILCOX
Secretary
EVELYN MALONE
Treasurer
HECTOR FRANCO
NFRTC Assoc. Rep.
JOE ARANCIS
NFRTC Assoc. Rep.

WUKCHUMNI COUNCIL

August 14, 1988

ASSOCIATION FOR NON-FEDERALLY
RECOGNIZED TRIBES OF CALIFORNIA

Resolution 8-88 AR3

To Whom It May Concern:

The Wukchumni Elders Council and the majority of the General Council, who as a member of, do support the Association of Non-Federally Recognized Tribes of California and other Interested Individuals and Groups for the purpose of supporting efforts of non-federally recognized American Indians to gain federal acknowledgement either by administrative or legislative means.

Also let it be resolved that the Wukchumni Council fully support the Associations' choice of Attorney, Allogan Slagle, Lutheran Office on Governmental Affairs, Washington, D.C. to assist this Association in its process of federal recognition.

Cordially,

Hector Franco
1426 W. Sunnyview
Visalia, CA 93291

Joe Arancis
211 E. Prospect Ct.
Visalia, CA 93291

Helen Routh
Melchor Garcia
Marie Wilcox
Martha Tapleras
Elsie Tennant

CUMOYNIM YOKUCH

MARTHA TAPLERAS
Chairperson
MARGARET HERNANDEZ
Vice-President
MARIE WILCOX
Secretary
EVELYN MALONE
Treasurer
HECTOR FRANCO
NFRTC Assoc. Rep.
JOE ARANCIS
NFRTC Assoc. Rep.

WUKCHUMNI COUNCIL

August 14, 1988

Allogan Slagle
Lutheran Office Governmental Affairs
Washington, D.C.
% Association for Non-Federally
Recognized Tribes of California

Resolution 8-88 AR4

Let it be known that the Wukchumni Council affirms its motion which was made on February 6, 1988, that Allogan Slagle assist our Council with the Federal Recognition process and to investigate and explore alternative avenues for addressing the status and sovereignty issues of Non-Federally Recognized Indian Tribes of California.

Reaffirmed motion on Sunday, August 14, 1988 at our General Council meeting was unanimous, to have Attorney Allogan Slagle represent the Wukchumni Council in its endeavors.

Cordially,

Hector Franco
Hector Franco
1426 W. Sunnyside
Visalia, CA 93291

Joe Arancis
211 E. Prospect Ct.
Visalia, CA 93291

ELDERS

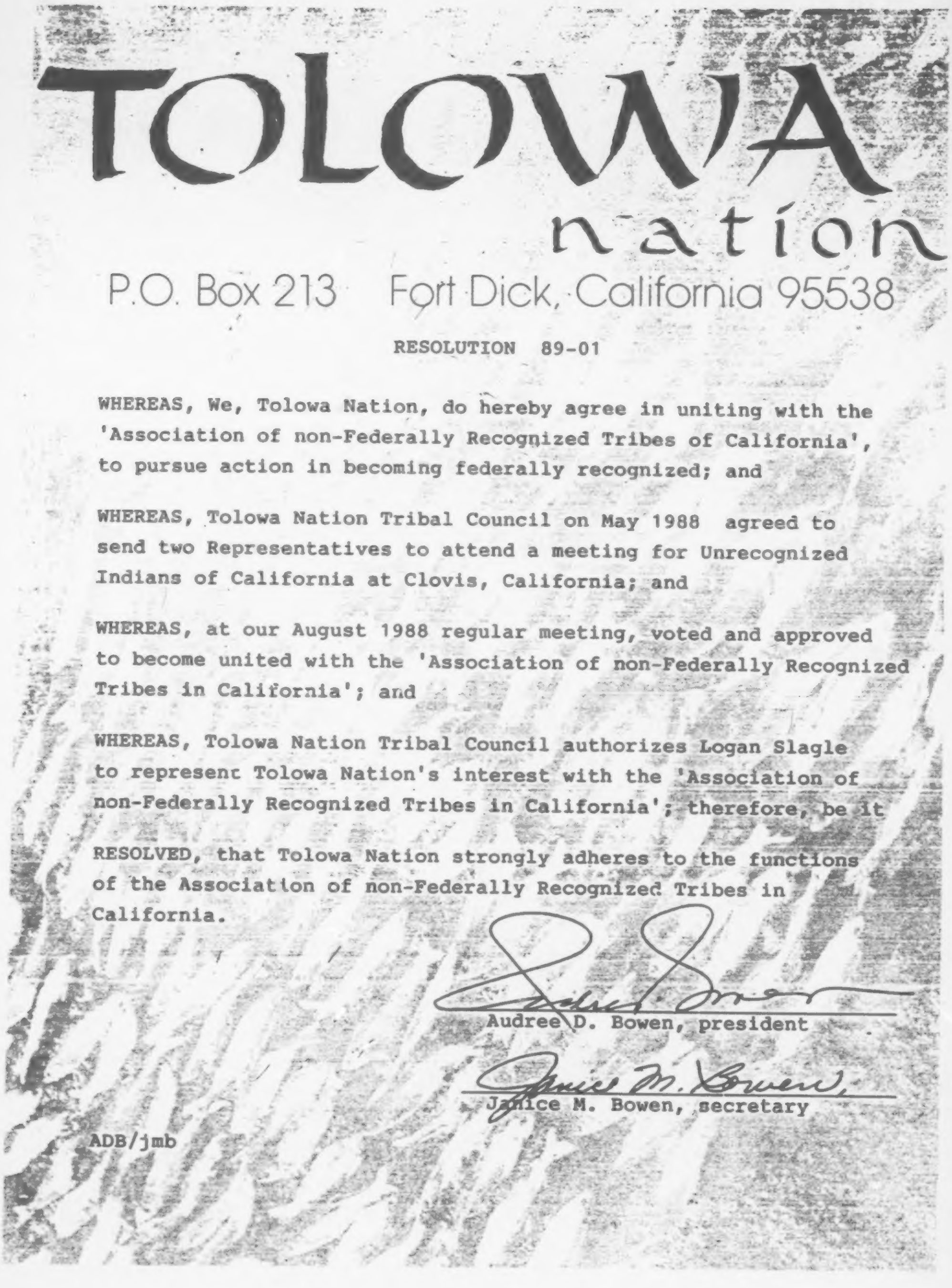
Helen Routh
Effie Tennant
Marie Wilcox
Martha Tapleras

CUMOYNIM YOKUCH

July 2nd 1988.

We request membership in the association for non-federaly recognized tribes of California
We are Nor-El-Muk Tribe of Wintu Indians of Calif.

La Verne Laffranchini
Sec.
Raymond Patton
Chairman



TOLOWA
nation
P.O. Box 213 Fort Dick, California 95538

RESOLUTION 89-01

WHEREAS, We, Tolowa Nation, do hereby agree in uniting with the 'Association of non-Federally Recognized Tribes of California', to pursue action in becoming federally recognized; and

WHEREAS, Tolowa Nation Tribal Council on May 1988 agreed to send two Representatives to attend a meeting for Unrecognized Indians of California at Clovis, California; and

WHEREAS, at our August 1988 regular meeting, voted and approved to become united with the 'Association of non-Federally Recognized Tribes in California'; and

WHEREAS, Tolowa Nation Tribal Council authorizes Logan Slagle to represent Tolowa Nation's interest with the 'Association of non-Federally Recognized Tribes in California'; therefore, be it

RESOLVED, that Tolowa Nation strongly adheres to the functions of the Association of non-Federally Recognized Tribes in California.

Audree D. Bowen, president

Janice M. Bowen,
Janice M. Bowen, secretary

ADB/jmb

NORTH FORK MONO TRIBE

RESOLUTION:

BE IT RESOLVED: that on this 12th day of July 1988 the Tribal Council of the North Fork Mono Tribe by a unanimous vote given authorization of representation under the constitution of the North Fork Mono Tribe hereby joins the Tribe with the Association for Non-Federally Recognized Tribes of the State of California.

WHEREAS: the Tribe will be represented on the Associations governing body by designated Tribal Council member(s) for the duration of the Associations existance while in its current status.

WHEREAS: the Tribal Council also resolves to allow legal consultant Allogan Slagle to act in behalf of the Association as a legal activist and lobbyist in Washington D.C. on all issues associated and pertaining to Federal Recognition and any other matters stipulated by the Association for observance and response.

FURTHERMORE: for acknowledgement purposes the North Fork Mono Tribe of 800 members plus, are now in the petition process for reinstatement of Federal Recognition to the Acknowledgement and Research Committee in Washington D.C.

WHEREAS: this resolution does not authorize the Association, its governing body, its members or its representative, power of representation over the Tribal Body and its governing constitution. The North Fork Mono Tribal Council does approve the Association for Non-Federally Recognized Tribes and any of its supporters.

Be it further resolved that the undersigned members of the North Fork Mono Tribe and Council is proof of their approval of this Association.

Tribal Chairman: Ron W Goode

Tribal Officers and Council	North Fork Mono Tribal Members
Dorathy B. Dandy	Richard E. Lavell
Naomi J. Carmen	Rosalie Bethel
Ivadelle Mowery	
Anna Dandy	

April 6, 1989

As Co-Chairman of the Dunlap Band of Mono Indians, Dunlap, California, and a member of the Association For Non-Federally Recognized Tribes of California, I authorize Allogan Slagle to act as our representative for our tribe in any and all legislative matters regarding our fight for Federal Tribal Recognition.

Dock Dick

Dock Dick, Co-Chairman
Dunlap Band of Mono Indians

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Phone:
Notes: Rt. 1 Box 865
Delano, CA 93215

Name: Sandoval Cindy
Phone:
Notes: 486 W. Twain
Clovis, CA 93612

Name: Shashone, Garey J.
Phone:
Notes: 30099 Highway 41
Coarsegold, CA 93614

Name: Slagle Allogan
Phone: (202) 783-7501
Notes: 122 C St.N.W. Suite 300
Washington, D.C. 20001

Name: Smith, Cruz
Phone:
Notes: P.O. Box 852
Oakhurst, Ca 93694

Name: Smith, Michael W.
Phone:
Notes: 3985 N. Augusta
Fresno, CA 93726

Name: Steniwrick, Cheryl
Phone: (707) 822-4007
Notes: Nono Lake
Tolwa Nation

Name: Tapleras, Martha
Phone: (209) 625-2449
Notes: 1420 N. Encina
Visalia, CA 93291

Name: Tapleras, Ron
Phone: (209) 733-0827
Notes: 2036 N. Jacob Ct.
Visalia, CA 93291

Name: Tennant, Elsie
Phone: (209) 625-0308
Notes: 1005 1/2 N. Divisadero
Visalia, CA 93291

Name: Tex, Julie Dick
Phone:
Notes: P. O. Box 18
Dunlap, Ca 93621

Name: Turner, Doris
Phone:
Notes: P.O. Box 433
Clovis, CA 93613

Name: Valverde, Roger
Phone:
Notes: 4519 E. Nevada.
Fresno, CA 93702

Name: Vargas, Barbara
Phone: (209) 896-3068
Notes: 10899 E. Dinuba Avenue
Selma, CA 93662

Name: Vargas, Ruby
Phone: (209) 896-3068
Notes: 10899 E. Dinuba Avenue
Selma, CA 93662

Name: Waltz, Irene
Phone:
Notes: 1000 Sherwood Way
Madera, CA 93607

Name: Webb, Marilyn
Phone:
Notes: 1600 N. Lake #38
Madera, CA 93607

Name: Weese, Debra
Phone: (209) 625-4243
Notes: 145 W. Perez Avenue
Visalia, CA 93291

Name: Weese, Susan
Phone: (209) 625-4243
Notes: 145 W. Perez Avenue
Visalia, CA 93291

Name: Wermuth, Carol
Phone: (619) 376-4240
Notes: P.O. Box 168
Kernville, CA 93238

Name: Wermuth, Ron
Phone: (619) 376-4240
Notes: P.O. Box168
Kernville, CA 93238

Name: Wilcox, Marie
Phone: (209) 564-8602
Notes: 36787 Road 197
Woodlake, CA 93286

Name: Wilcox, Nick
Phone: (209) 592-6026
Notes: 125 S. Anderson Road
Exeter, CA 93221

Name: Wilcox, Val & Maxine
Phone:
Notes: 48166 Thunderhill Lane
Squaw Valley, CA 93675

Name: Wren, Donata
Phone:
Notes: Fresno City College

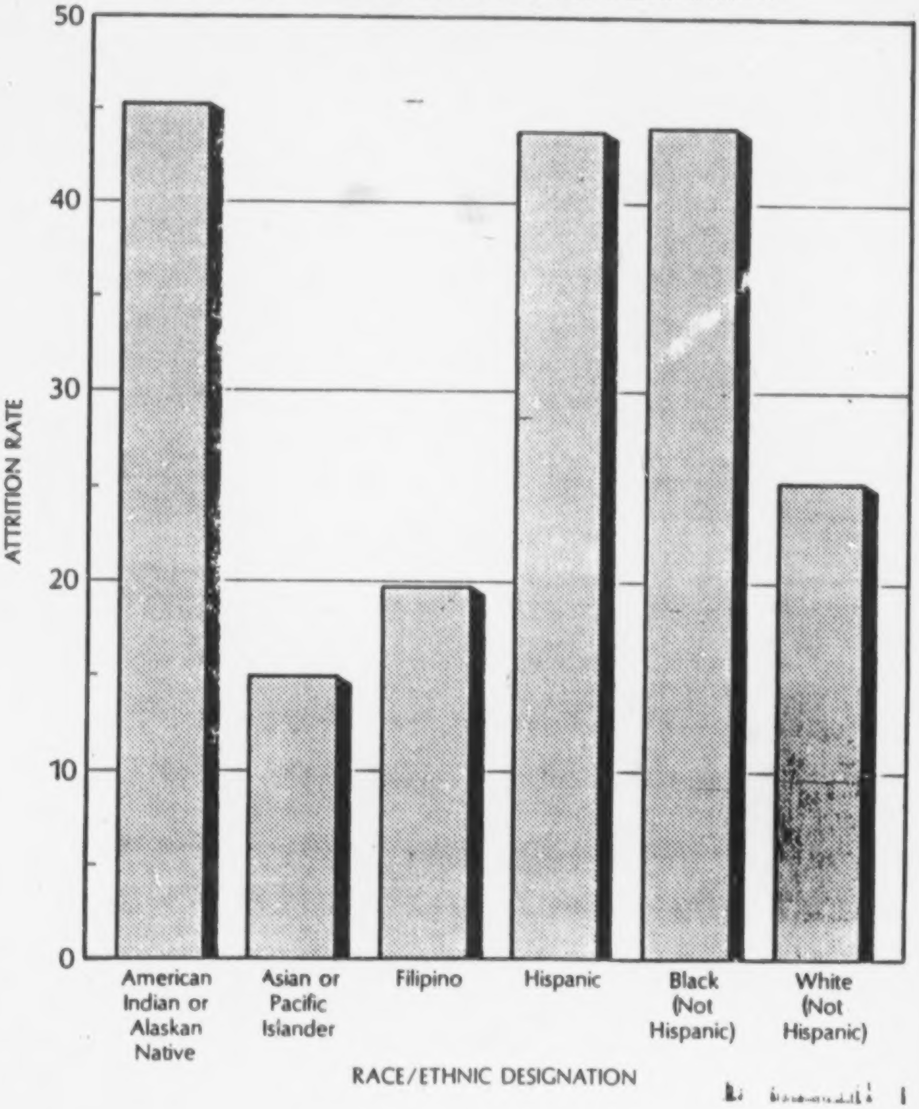
Name: Wyatt, Holly
Phone:
Notes: P.O. Box 708
Coarsegold, CA 93664

Name: Wyatt, Jane
Phone:
Notes: P. O. Box 708
Coarsegold, CA 93664

Name: Dade, Ellen
Phone:
Notes: 1311 W Sunnyview Ave
Visalia, CA 93291

Figure 5

CALIFORNIA SECONDARY SCHOOLS
CLASS OF 1984
ATTRITION RATES BY ETHNIC/RACE DESIGNATION



S. 61

THE CHUKCHANSI TRIBE OF THE PICAYUNE RESERVATION

P.O. BOX 708 COARSEGOLD, CALIFORNIA 93614
TELEPHONE: (209) 683-6633

JANE WYATT ~ CHAIRPERSON

Mr. Chairman and distinguished members of the committee I am Jane Wyatt, Chairwoman of the Chukchansi Nation of the Picayune Rancheria located in Coarsegold, California. On the behalf of our members, I am here today to recommend that Code 42 of Federal Regulation Part 36 dated September 16, 1987 be rescinded and or revoked.

As you are well aware, Indian Health Service (IHS) was created under the transfer act on August 5, 1954 by public law 83-568 to upgrade health care services for American Indians and bring the health status of the American Indian in parity with all other people. Should Code 42 be inacted into law its rule on eligibility will eliminate access to health care services, or funds to purchase health care service, for approximately 70,000 California Indians who currently are not members of Federally Recognized Tribes. The Chukchansi Nation would view this as a deliberate action to eliminate the plenary responsibility of the Federal Government to provide these services to all American Indians, Alaskan and Hawaiian Natives in lieu of the relinquishment of our lands.

The citizens of the Chukchansi Nation urge the U. S. Senate to take action to reaffirm Senate Bill 129, the authorization of the Indian Health Care Improvement Act, Public Law 94437.

TRIBAL COUNCIL MEMBERS

JANE WYATT	*MONA DAVIS*	*HOLLY WYATT*	*MARILYN EDDY*	*JUANITA LAWHON*	*NANCY AYALA*	*ANTHONY RAMIREZ*
Chairperson	*Vice-Chairperson*	*Secretary*	*Treasurer*	*Member at Large*	*Member at Large*	*Member at Large*

THE CHUKCHANSI TRIBE OF THE PICAYUNE RESERVATION

This act is needed to bring the present Indian Health care system to tolerable levels. The current system has **not** improved the overall general health of the Indian population as it was intended. Statistics reveal that Indians have the highest infant mortality rate in the nation, four times that of other peoples, the life expectancy of Indians is 20% less than the average American. Diabetes, high blood pressure, dental deficiencies, alcohol and drugs **still** plague our people after thirty years of unbefitting service by the IHS. The citizens of our Nation must make a 90 mile round trip to take a sick child, a pregnant wife or an arthritic Grandmother to the nearest clinic. I wonder how many families of members of Congress have to endure such hardship.

The Citizens of the Chukchansi Nation consider these conditions deplorable and welcome this opportunity to address this committee to bring this issue to light.

The Chukchansi Nation resided on the Picayune Rancheria near Coarsegold California for over sixty years from 1902 to 1963 and with the stroke of a pen the the Nation was terminated under the California Rancheria Act, our government was disbanded and our people scattered to the four winds. After more than twenty years of no formal government the Chukchansi Nation was re-recognized by court ruling of the Tillie/Hardwick Vs The United States case. The Chukchansi Nation has again reorganized to carry on the traditions, the culture and the dreams of our elders. I was informed in a meeting on Thursday, April 13, 1989, by Mr. Mike Smith Superintendent of the Central California Agency with Mr. Harold Bradford and Ms Virginia Carpenter of the BIA and Mr. Bill Snow business manager of the Chukchansi Nation present as witness, that money had been approiated for the Tribe to obtain land two years eailer, which was prior to the time the Tribe had a formal government to act in its behalf. However, since the monies were not applied for when they were available they have been used by the BIA for other purposes and are no longer available to the Tribe, how long must these injustices persist? Therefore, the Tribe must function on a pay as you go basis, dependent entirely on grants or as the BIA constantly remindes the Tribal staff " gifts" from the BIA and other organizations. The Tribe has managed to obtain grants from the BIA and ANA, however, these are soon to expire and if more grants are not obtained, for any reason, the Tribe will be virtually bankrupt and literally forced to disband again. Although the Federal government forces us to function as a zero land base Nation we have the resolve, as a people, to endure and we will continue the arduous task to develop a strong government and to improve the health the education and the living conditions of our people.

The Citizens of the Chukchansi Nation ask the members of the U.S. Congress to make a good faith gesture to all Indians by rescinding or revoking the final rule on the health care services eligibility and by passing bill S 611. This would demonstrate to all the world that the U.S. Government is , and I quote, " a kinder and gentler nation" by taking positive actions to improve health care for all of its native citizens and by providing special consideration to those seeking Federal Recognition as Tribes and by providing just compensation to small tribes which function with a zero land base so they too, may carry on the ancient traditions of their people.

Mr. Chairman and members of the committee I thank you for this time and opportunity to speak on behalf of my people.

S.611
(6)

TESTIMONY OF THE IONE TRIBAL COUNCIL
BEFORE THE
U.S. SENATE SELECT COMMITTEE ON INDIAN AFFAIRS
STATE CAPITOL SACRAMENTO,CALIFORNIA

MR. CHAIRMAN AND MEMBERS:

I AM CHAIRMAN OF THE IONE BAND OF MIWOK INDIANS, GENERAL COUNCIL WHICH IS LOCATED IN IONE, CALIFORNIA. THE IONE TRIBE REPRESENTS 19 TRIBAL MEMBERS.

FOR THE RECORD MR. CHAIRMAN, THE IONE BAND OF MIWOK INDIANS HAVE BEEN TRYING TO GAIN RECOGNITION SINCE 1916. SINCE THAT TIME THE BUREAU OF INDIAN AFFAIRS, AN AGENCY OF THE DEPARTMENT OF THE INTERIOR, HAS ARBRITRAIRLY AND CAPRICIOURSLY RECOGNIZED AND UNRECOGNIZED THE BAND WITH A STROKE OF A PEN.

THE FOLLOWING IS A CHRONOLOGICAL HISTORY OF THE IONE BAND OF INDIANS:

1916 - 1934 THE ORIGINAL PETITION WAS SUBMITTED IN 1916 AND DISCUSSION OF THE U.S. GOVERNMENT TO PURCHASE AND SECURE A FORTY (40) ACRE TRACT OF LAND FOR USE AS AN INDIAN RESERVATION, AS SHOWN BY AMADOR COUNTY DEEDS DATED JULY 26, 1926. THE DEED READS, "A FORTY ACRE TRACT OF LAND HERETOFORE SOLD TO THE UNITED STATES GOVERNMENT, WHICH LAND IS NOW FENCED AND USED AS AN INDIAN RESERVATION."(EXHIBIT 1)

1941 UPON REQUEST BY CONCERNED INDIANS, A SECOND PETITION WAS SUBMITTED BY A U.S. SENATOR FROM CALIFORNIA. IT IS UNKNOWN WHAT RESULT WAS ACHIEVED BY THIS ACTION.

AGAIN, THE BAND WAS THWARTED IN ITS EFFORTS TO CLARIFY TRIBAL STATUS THROUGH THE INACTION OF THE U.S. GOVERNMENT TO PROVIDE BENEFITS ENTITLED TO INDIAN TRIBES.

1972 A RENEWED EFFORT WAS BEGUN BY MEMBERS OF THE BAND TO ENLIST ASSISTANCE OF THE CALIFORNIA INDIAN LEGAL SERVICES TO REQUEST THE DEPARTMENT OF THE INTERIOR, TO PLACE THE FORTY ACRE TRACT OF LAND INTO TRUST STATUS. A RESPONSE WAS SOLICITED FROM THEN COMMISSIONER, LOUIS BRUCE, BUREAU OF INDIAN AFFAIRS, WHICH STATED:"RECOGNITION HAD APPARENTLY BEEN GIVEN AT THE TIME WHEN THE LAND

PURCHASE HAS BEEN CONTEMPLATED." MR. BRUCE ALSO ACCEPTED INTO TRUST, THE FORTY ACRE TRACT OF LAND ORIGINALLY CONTEMPLATED IN THE EARLY 1900'S. THE BAND WAS ELATED BY THIS ACTION AS FINALLY, A CLEAR, CONCISE DIRECTION WAS GIVEN BY THE U.S. GOVERNMENT IN ORDER FOR THE BAND TO CLARIFY ITS TRIBAL STATUS. THE BRUCE LETTER DIRECTED THE AREA OFFICE IN SACRAMENTO TO ASSIST THE BAND IN THE FORMULATION OF A CONSTITUTION AND BY-LAWS UNDER THE INDIAN REORGANIZATION ACT OF 1934 UPON COMPLETION WOULD RESULT IN THE ESTABLISHMENT OF AN INDIAN RESERVATION. (EXHIBIT 2)

AGAIN, THE BAND WAS DENIED DUE PROCESS AS THE BUREAU OF INDIAN AFFAIRS DID NOT PROVIDE ANY ASSISTANCE, IN FACT THE ASSISTANT SECRETARY OF THE DEPARTMENT OF THE INTERIOR OVERRULED THE BRUCE LETTER STATING THAT "THE FORMER CONTEMPLATED PURCHASE OF LAND FOR THEM BY THE UNITED STATES MAY INDICATE THEY ARE A RECOGNIZED GROUP ENTITLED TO THE BENEFITS OF THE INDIAN REORGANIZATION ACT. WE HAVE NO CORRESPONDENCE HOWEVER, FROM THE GROUP REQUESTING RECOGNITION OR (INDICATING) A DESIRE TO ESTABLISH A RESERVATION." (EXHIBIT 3)
THE BAND WAS DEVASTATED BY THESE TURNS OF EVENTS AS SEEMINGLY AT EVERY JUNCTURE, THE DEPARTMENT OF THE INTERIOR BLOCKED THE WISHES OF THE TRIBE, TOTALLY DISREGARDING THE 1972 INDIAN SELF-DETERMINATION ACT.

1978 THE U.S. GOVERNMENT, IN AN EFFORT TO REMEDY A LONG HISTORY OF HUMAN RIGHTS VIOLATIONS, ESTABLISHED A VEHICLE WHEREBY INDIAN GROUPS, ORGANIZATIONS OR COMMUNITIES NOT RECOGNIZED AS AN INDIAN TRIBE, COULD PETITION THE FEDERAL GOVERNMENT FOR RECOGNITION AS AN INDIAN TRIBE. THE IONE BAND FORMALLY FILED A PETITION FOR ACKNOWLEDGEMENT BY THE SECRETARY OF THE INTERIOR THAT WE EXIST AS AN INDIAN TRIBE UNDER 25 CFR PART 54.8(b) IN JANUARY 1979. (EXHIBIT 4)

1982 THE BAND SOUGHT FEDERAL ASSISTANCE FROM THE ADMINISTRATION FOR NATIVE AMERICANS TO PROVIDE FUNDS FOR TEH COMPLETION OF THE PETITION FOR FEDERAL ACKNOWLEDGEMENT. THE BAND'S REQUEST WAS NOT GRANTED AS ANA SUGGESTED THAT THE

BAND'S DOCUMENTATION WAS SUFFICIENT TO BE SUBMITTED AND THAT THE IONE BAND CHALLENGE THE DEPARTMENT OF THE INTERIOR'S REQUIREMENT TO COMPLETE THE ACKNOWLEDGEMENT PROCESS, USING THE BRUCE LETTER AS THE BASIS THAT THE IONE BAND WAS AND ALWAYS BEEN RECOGNIZED AS AN INDIAN TRIBE.

1984 THE IONE BAND OF INDIANS ACTING AS A POLITICAL UNIT REQUESTED ASSISTANCE FROM THE BUREAU OF INDIAN AFFAIRS, CENTRAL CALIFORNIA AGENCY, TO PROVIDE HOME IMPROVEMENT PROGRAM (HIP) FUNDS TO BUILD A HOME FOR ONE OF THE MEMBERS. THIS REQUEST WAS GRANTED BY THEN ACTING SUPERINTENDENT, MR. HAROLD BRADDFORD. (EXHIBIT 5) SUBSEQUENT REQUESTS FOR ADDITIONAL FUNDS FOR HOME IMPROVEMENT WERE MET WITH A NEGATIVE RESPONSE AND THAT THE BAND MUST NOW SEEK RECOGNITION THROUGH THE FEDERAL ACKNOWLEDGEMENT PROCESS. NO CLEAR REASON WAS GIVEN TO THE BAND FOR THIS REQUEST.

1988 IN JULY, THE IONE BAND SOUGHT THE ASSISTANCE OF THE BUREAU OF INDIAN AFFAIRS, CENTRAL CALIFORNIA AGENCY, TO CLARIFY ITS TRIBAL STATUS. A DOCUMENT WAS PROVIDED TO MR. MICHAEL SMITH, SUPERINTENDENT, WHO PROMPTLY LOST THE DOCUMENTS. SUBSEQUENT CALLS MADE TO MR. SMITH OVER A PERIOD OF SIX MONTHS TO LOCATE THE DOCUMENTS PROVED FUTILE, AS MR. SMITH HAS STATED MORE THAN ONCE THAT HE HAS NO OBLIGATION TO PROVIDE ASSISTANCE TO THE IONE BAND NOR DOES HE INTEND TO PROVDE ANY IN THE NEAR FUTRUE.

NEVERTHELESS, THE TRIBE CONTINUED TO ACT AS A POLITICAL UNIT AND PROCEEDED TO RESEARCH THE TRIBAL STATUS OF THE IONE BAND.

JANUARY 1989 EFFORTS TO COMMUNICATE WITH THE CENTRAL CALIFORNIA AGENCY WERE REDIRECTED TO THE B.I.A. AREA OFFICE TO FILE A FORMAL COMPLAINT WITH THE AREA DIRECTOR, MR.BABBY, WHO STATED HE WOULD CONTACT MR. SMITH AND ASCERTAIN THE CRUX OF THE PROBLEM. MR. BABBY'S CLOSING STATEMENT QUESTIONED THE INTELLIGENCE OF THE IONE BAND AS HE SAID, " IS THERE ANYONE COGNISANT ENOUGH TO KNOW HOW TO COMPLETE THE FEDERAL ACKNOWLEDGEMENT PROCESS FROM THE

TRIBE." NATURALLY, MR. SMITH NEVER RETURNED ANY CALLS.

APRIL 1989 AT A DULY CALLED GENERAL COUNCIL MEETING,THE IONE BAND DECIDED TO FILE A FORMAL REQUEST TO THE ASSISTANT SECRETARY OF THE INTERIOR, FOR RECOGNITION AS AN INDIAN TRIBE AND THE FORTY ACRE TRACT OF LAND BE ESTABLISHED AS A RESERVATION WAS FORMALLY CERTIFIED AND SENT ALONG WITH A COVER LETTER DECLARING THE TRUE INTENT OF THE BAND WITH A MEMBERSHIP LIST OF KNOWN CURRENT MEMBERS, TO THE TRIBAL GOVERNMENTAL SERVICES, BUREAU OF INDIAN AFFAIRS, WASHINGTON D.C. ATTENTION: MS. PAT SIMMONS.(EXHIBIT 6)
SINCE THIS TIME, WE HAVE BEEN IN CONTACT WITH SENATORS WILSON AND SENATOR CRANSTON, TO SEEK THEIR ASSISTANCE IN OUR STRUGGLE.

AS YOU CAN READILY SEE, THE BAND HAS EXPERIENCED MANY SETBACKS BUT NOW WELCOME THE OPPORTUNITY TO ADDRESS THIS FORMAL BODY TO ASK. IS THE BAND CURRENTLY FEDERALLY RECOGNIZED? IF NOT, WHAT BEYOND WE HAVE CURRENTLY DONE IS NECESSARY? WHILE WE CONTINUE TO ACT AS A POLITICAL UNIT, OUR RESOURCES ARE LIMITED. WE FEEL IT IS IMPORTANT FOR THE B.I.A. TO PROVIDE US CLEAR DIRECTION SO THAT WE ARE ABLE TO MAKE USE OF OUR RESOURCES. WE ASK THE COMMITTEE'S HELP TO THIS END.

MR. CHAIRMAN AND MEMBERS, THANK YOU FOR HEARING THIS MATTER OF UTMOST IMPORTANCE TODAY. ANY ASSISTANCE THIS COMMITTEE CAN OFFER US WOULD BE GREATLY APPRECIATED.

58 of Deeds, at page 404, et seq., Amador County Records, and which said strip of land contains four and eighty-nine one-hundredths (4.89) acres of land.

PARCEL NUMBER TWELVE:

All of that certain strip or parcel of land of a uniform width of one hundred (100) feet which lies equidistant on each side of the center line of the existing railroad track owned by the Southern Pacific Company, a railroad corporation, and which strip extends from the west line of the Rancho Arroyo Seco, in a general southeasterly direction to the Town of Ione.

The said strip, exclusive of that portion thereof which is included within the boundary lines of "Parcel Number One" as hereinbefore particularly described, contained one hundred nine and forty-five one-hundredths (109.45) acres of land, and is the same strip of land that was conveyed by deed to the Amador Branch Railroad Company, a corporation, on May 4, 1876, and recorded in Volume"O" of Deeds, at page 791, et seq., Amador County Records.

PARCEL NUMBER THIRTEEN:

Beginning at a point fifty (50) feet at right angles southerly from the center line of the Southern Pacific Railroad Company's main track, as it now exists between Galt and Ione, at Engineer's Station 1055 07.0 of said center line; thence easterly parallel to the center line of said tract and uniformly distant fifty (50) feet southerly therefrom, a distance of three hundred forty-one (341) feet to a point; thence easterly parallel to the said center line, on a curve to the right with radius of seven hundred eighty-eight and ninety-seven one-hundredths (788.97) feet, a distance of two hundred twenty-nine and eight-tenths (229.8) feet; thence easterly parallel to said center line and uniformly distant fifty (50) feet southerly therefrom, on a curve to the right with a radius of nine hundred thirteen and thirty-nine one-hundredths (913.39) feet, a distance of five hundred sixty-six and ninety five one-hundredths (566.95) feet, to a point; thence easterly parallel to said center line, on a curve to the right with a radius of eight hundred twenty and eight-tenths (820.8) feet, a distance of two hundred twenty-one and fifty-five one-hundredths (221.55) feet to a point distant fifty (50) feet at right angles, southerly from said center line, at Engineer's Station 1069+38.0; thence southwesterly one hundred eleven and eight-tenths (111.8) feet to a point distant one hundred fifty (150) feet at right angles southerly from said center line at Engineer's Station 1068+72.0; thence westerly parallel to the center line of said track, and uniformly distant one hundred fifty (150) feet southerly therefrom, to a point distant one hundred fifty (150) feet at right angles southerly from the said center line at Engineer's Station 1055-07.0; thence northerly one hundred (100) feet to the point of beginning, and containing two and ninety-two one-hundredths (2.92) acres of land, more or less.

ALSO EXCEPTING THEREFROM a forty acre tract of land heretofore sold to the United States Government, which land is now fenced and used as an Indian reservation.

TOGETHER with all minerals, petrol, coal, clay and sand, also all mineral, metal, coal, clay and sand rights, and the rights to mine and extract the same, wheresoever situated, within the territory commonly known as ARROYO SECO RANCHO, containing eleven (11) square leagues of land, more or less, and described in patents to Joseph Lora Ross, Horace W. Carpentier, Edward F. Beale and Herman Wohler, dated August 29, 1863, and recorded in Book "I" of Deeds, page 443, et seq., Records of Amador County, excepting such portions thereof as have been conveyed to other persons by the party of the first part, or its predecessors in interest.

All of the said property is sold and hereby conveyed by said party of the first part and is purchased and hereby accepted by said party of the second part, subject to the lien of a

(EXHIBIT I.

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20242

IN REPLY REFER TO:

OCT 18 1972

Mr. Nicholas Villa and the
IONE BAND OF INDIANS
c/o Mrs. Bernice Villa
Route 1, Box 191
Ione, California 95640

Dear Mr. Villa:

In January of this year the Bureau of Indian Affairs received a letter from Robert J. Donovan, the Director of the California Rural Indian Land Project. That letter requested that the United States agree to accept title to a certain forty acre tract of land near Ione, California and to hold that land in trust for the Ione Band of Indians.

Since then the Bureau of Indian Affairs has learned that the Ione Band has filed suit in Amador County Superior Court to quiet and perfect title in their names. It has been informed that the Indians continue to desire that the land ultimately be taken by the United States and held in trust status.

The Secretary of the Interior recognizes his authority under 25 U.S.C. 465 to

> "acquire, through purchase, relinquishment, gift, exchange, or assignment, any interest in lands, water rights or surface rights to lands, within or without existing reservations,"

The Secretary also recognizes that, there having been no vote pursuant to 25 U.S.C. 478 by the Ione Indians, the provisions of 465 apply to them. The Secretary also recognizes that obtaining a tribal or community land base for the Ione Band is a part of his policy of Indian self-determination and cultural identification.

Federal recognition was evidently extended to the Ione Band of Indians at the time that the Ione land purchase was contemplated. As stated earlier, they did not reject the Indian Reorganization Act and thus are eligible for the purchase of land under this act. The Sacramento Area Office of the Bureau of Indian Affairs should determine that the land is merchantable and free of encumbrance. I am directing the Sacramento Area Office to assist in the preparation of a document containing a membership roll and governing papers which conform with the Indian Reorganization.

As the Commissioner of Indian Affairs, I therefore, hereby agree to accept by relinquishment of title or gift the following described parcel of land to be held in trust for the Ione Band of Miwok Indians:

> Beginning at the point of intersection of the center line of the County Road to Jackson, with the Westerly line of the fifty-two acre tract of land owned by Anthony Meath, Armando Dellaringa, Rocco Dellaringa, and Albert Dellaringa, as recorded in Book 130 Official Records, Amador County, California page 98; thence following the center line of said County Road, North sixty-five degrees, fifty minutes West (N. 65° 50'W.) One thousand seven hundred twenty five (1725) feet to a point; thence at right angles, North twenty-four degrees, ten minutes East (N. 24° 10'E) One thousand seventy two (1072) feet to a point; thence at right angles, South sixty-five degrees, fifty minutes East (S. 65° 50'E) One thousand five hundred thirty one (1531) feet to the West boundary of the said property of Anthony Meath, Armando Dellaringa, Rocco Dellaringa and Albert Dellaringa; thence following said boundary line, South fourteen degrees, eight minutes West (S. 14° 08'W) One thousand eighty-seven (1087) feet to the point of beginning.

Sincerely,

Louis R. Bruce

Commissioner

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
Sacramento Area Office
2800 Cottage Way
Sacramento, California 95825

IN REPLY REFER TO:
Real Prop. mgmt. Area
320-Central California
308-Ione Rancheria

AIRMAIL

JUN 8 1973

Commissioner of Indian Affairs
Washington, D. C. 20245

Attention: Real Estate Services

Sir:

During the early 1900's the Office of Indian Affairs was acquiring tracts of land throughout Northern California to provide a land base for small bands of California Indians. One small group of Indians was occupying land belonging to the Ione Coal and Iron Company located near the town of Ione, California.

In 1915 the Office of Indian Affairs began negotiations to purchase a forty acre tract on which the Ione Band of Indians were living. Negotiations for the purchase of this land continued for over thirteen years but were abandoned because of defects in the title. During this long period of negotiations many of the Indians came to believe that the land had been purchased for them and several families built homes and still live on the land.

In August 1970, two Indian families contacted this office for assistance in improving their homes. This was our first contact with this group in many years. A member of our staff visited the location and found seven Indian families living on the forty acre tract in substandard dwellings. A search of the county records revealed that title to the land was in the Crocker Citizens National Bank.

In 1972, California Indian Legal Services began an effort to obtain title to the property in the Indians and filed an action in Superior Court to quiet title. This action was successful and on October 31, 1972, Judge Ralph McGee of the Superior Court of the State of California, for the County of Amador, ruled that residents of the property were the owners in fee simple absolute, free of any encumbrance.

On July 20, 1972, I wrote Commissioner Bruce asking if the Bureau would accept the tract of land and hold it in trust for the Ione Band. On October 13, 1972, Commissioner Bruce wrote to the Ione Band stating that he agreed to accept title to the land to be held in trust for the Ione Band of Miwok Indians, and further that this Band be considered as accepting the Indian Reorganization Act since Federal recognition was extended during the early 1900's and the group did not formally reject the act.

We have had several recent inquiries from the spokesman for this group, Mr. Harold Burris, asking that we meet with them to explain our relationship to this group. We have hesitated to discuss this question until such time as we have assurance that we can grant recognition and take title to the land in trust, if this is the final decision of the band. We have found that often times just meeting with such a group leads to the belief by many that they are recognized and as such are eligible for Bureau services. We would much prefer to have a decision from your office before we raise their hopes.

Although there is much to be done to formally organize the group and there may be some problems with the land title, we believe these obstacles can all be overcome. It is our recommendation that the Secretary formally recognize this band and agree to take title to the land to be held in trust for the band.

An early reply will be appreciated.

Sincerely yours,

(SGD) JEROME F. MORLOCK

Area Director
ACTING

cc: Harold Burris, Route 1, Box 183, Ione, Ca. 95640
CILS, Berkeley, 2527 Dwight Way, Berkeley, Ca. 94704
Regional Solicitor
Central California Agency

RECEIVED
APR 14 1978
California Indian Legal Services
Oakland

4-12-78

Mr. Foreman:

Enclosed is the portion of my article on federal recognition discussing the Ione case which we spoke about on the phone this afternoon. I'm hoping that if I send this out to you right away - and if the Post Office comes through - it may arrive in time for you to let me know what you think. If there are any inaccuracies or if there is something you would like to add please call me at 202-638-2287. If you can call on Monday or Tuesday there should be time. Thanks for your help

Terry Anderson

Date	
9/15/75	Alabama Governor writes to Commissioner of Indian Affairs Thompson offering to donate 18 acres of State land to the United States to be held in trust for the Creeks. (This land is at the center of the Poarch community and would make an ideal site for the hoped-for cultural center.)
9/22/75	Attorney for the Creeks requests that the Department accept Alabama's offer.
10/75	BIA Eastern Area Director advises attorney that the Creeks cannot be considered until the issue of the Secretary's authority to recognize tribes is resolved.
12/2/75	Attorney replies that the Creek request is not for recognition; that in fact they already have it in the form of a trust land base—the fact that this land base has been alienated through administrative error does not terminate the trust status. "They certainly do not deserve to have their simple request indefinitely delayed while the Department considers unrelated, and . . . politically sensitive issues."
12/19/75	Secretary of Interior Kleppe informs a Presidential Assistant (who had inquired into the matter on behalf of the Creeks) that the Department is in the midst of some confusion about federal recognition and the Creek contention that they already have it will take time to investigate.

Apparently the Creek request is still mired in the Bureaucratic swamp, for no determination has yet been made. This kind of inaction cannot be justified by claiming uncertainty about the federal recognition question, for the Creeks are really only asking that the government resume an obligation it had accepted in the past and which has never been officially terminated. It is not known at this time whether Alabama's offer of land, extended nearly three years ago, is still open.

The Ione Band of Miwok Indians, Amador County, California

The first contact between the Ione Miwoks and the Bureau of Indian Affairs occurred in 1916 when a Bureau field agent encountered them in the course of his travels. The agent was attempting to locate the numerous small groups of landless California Indians scattered throughout the state. The California Indians had managed to survive the genocidal invasion of white settlers during the mid-19th century gold fever, and Congress was belatedly providing for their continued survival by authorizing the purchase of lands for them.

The Iones had been living on a 40-acre tract within the Arroyo Seco Rancho, a Spanish land grant, with the permission of the man who managed the ranch. The BIA agent recommended that the 40 acres be purchased and held in trust for the Indians.

Although the Bureau intended to make the purchase a three-year delay resulted while officials contemplated the legal intricacies of the title to the 40-acre tract. By the time the government was ready to make the transaction, the cattle company which owned the land had gone into bankruptcy. Stanford University acquired the land and was willing to make the transfer, but the United States was either unable or unwilling to cope with the minor legal problems which still remained. A few more years passed, and in 1927, over ten years since the matter first came up, an official reported that the 46 Iones remaining in Amador County were still waiting for their 40-acres to be secured.

In 1941 a California Congressman forwarded a petition from 27 Ione Indians to the Commissioner of Indian Affairs requesting that a tract of land be purchased for the group. It was reported that the effort to purchase the land had been dropped in the 1920s and renewed in 1935 only to be stopped again by a mineral rights problem. The Congressman requested that a purchase finally be completed for the remaining families.

Nothing happened. The Ione Band is not mentioned again in Bureau files until 1970, when it was reported that there were seven families still residing on the 40 acres.

In 1971 California Indian Legal Services became interested in the Ione case and wrote to ask if the U.S. would accept title to the 40-acre tract for the Iones. On October 18, 1972, Commissioner of Indian Affairs Louis Bruce replied:

> Federal recognition was evidently extended to the Ione Band of Indians at the time that the Ione purchase was contemplated. As stated earlier, they did not reject the Indian Reorganization Act and thus are eligible for the purchase of land under this act. . . As the Commissioner of Indian Affairs, I therefore, hereby agree to accept by relinquishment of title or gift the following described parcel of land to be held in trust for the Ione Band of Miwok Indians . . .

Bruce further stated that he would direct the Sacramento Area Director to assist in the preparation of a membership roll and other documents necessary under the IRA.

The Commissioner's action was soon overruled by the Assistant Secretary who wrote to the Area Director on January 26, 1973:

> It is true that the band can be considered as a group that did not vote against the application of the Indian Reorganization Act,

> and the former contemplated purchase of land for them by the United States may indicate that they are a recognized group entitled to benefits of the Indian Reorganization Act. We have no correspondence, however, from the group requesting recognition or [indicating] a desire to establish a reservation. . . If the Band desires and merits Federal recognition, action should be taken to assist them to perfect an organization under the provisions of the Indian Reorganization Act.

It is difficult to understand why the band's 1941 petition was not considered to be "correspondence . . . requesting recognition or [indicating] a desire to establish a reservation." [redacted].

For whatever reasons, no further action was taken, even though the Area Director later informed the Department on June 28, 1973, that the Iones did indeed desire formal recognition and the taking of the land in trust.

In the meantime the Ione Band did acquire title to their land. With the help of California Indian Legal Services thirteen named Indians "and others" obtained a judgement from the Superior Court of California on October 31, 1972 securing their title to the same 40 acres the U.S. had been talking about for nearly 60 years. Since the title is "fee simple" there are no restrictions on its alienation.

The question of Ione recognition remains unresolved.

The Shinnecock Indians of Long Island, New York

The Shinnecocks of Long Island were one of the first native groups to feel the impact of European immigration. In 1640 the first English settlement was established in Shinnecock territory. The familar pattern of white encroachment of Indian land ensued until by 1703 the Shinnecock territory had already been much diminished. It was in that year that the town of Southampton and the Shinnecock Tribe entered into a land cession agreement in which the Shinnecocks received a 1,000 year lease from the town to a 3600 acre reservation in return for granting to the town all Shinnecock interest in the remainder of their aboriginal territory.

Although white encroachment on Shinnecock land continued, the official status of their land did not change until 1859, when the town of Southampton decided once again that it needed more land. The New York legislature was persuaded to pass a law authorizing the Shinnecocks to exchange their 1,000 year lease to the reservation for a fee simple title to a small peninsula on the southern part of the reservation known as Shinnecock Neck. (This transaction took place without the consent of the federal government and was therefore illegal under the Non-Intercourse Act of 1790.) The Shinnecocks have remained on this 450-acre State-supervised reservation ever since,

BOOK 1 OF 3 BOOKS
TUESDAY, JANUARY 2, 1979

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

[4310-02-M]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

RECEIPT OF PETITION FOR FEDERAL ACKNOWLEDGMENT OF EXISTENCE AS INDIAN TRIBES

DECEMBER 26, 1978.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 230 DM 2.

Pursuant to 25 CFR 54.8(b), notice is hereby given that prior to October 2, 1978, the effective date of 25 CFR Part 54, the following groups filed petitions for acknowledgment by the Secretary of the Interior that they exist as Indian tribes.

Section 54.8(b) of the regulations gives each petitioning group the opportunity to review, revise or supplement its petition. Therefore, the original petition, with a copy of the guidelines, will be returned to each petitioning group. The return of the petition will not affect the priority established by the initial filing. This is a notice of receipt of petition and does not constitute notice that the petitions listed are under active consideration. Notice of active consideration will be by mail to petitioners and other interested parties at the appropriate time.

Antelope Valley Indian Community, c/o Mr. Wesley Dick, Post Office Box 35, Coleville, California 96107, 07/09/76.

Cherokee Indians of Georgia, Inc., c/o Mr. J. C. White Cloud Reynolds, 1516 14th Avenue, Columbus, Georgia 31901, 06/08/77.

Choctaw-Apache Indians, c/o Mr. Raymond L. Ebarb, Route 1, Box 168, Noble, Louisiana 71462, 07/02/78.

Clifton-Choctaw Indians, c/o Mr. Amos Tyler, Route 1, Box 51A, Mora, Louisiana 71455, 03/22/78.

Coos Tribe of Indians, c/o Mr. Russell Anderson, Box 3606, Coos Bay, Oregon 97420, 10/01/78.

Cowlitz Tribe of Indians (Lewis County), c/o Mr. Joseph E. Cloquet, 2816 Dale Lane East, Tacoma, Washington 98424, 09/17/75.

Creek Nation East of the Mississippi (Poarch, Alabama), c/o Mr. Thomas N. Tureen, Native American Rights Fund, Post Office Box 388, Calais, Maine 04106, 05/15/75.

Creeks East of the Mississippi, c/o Mr. John Wesley Thomley, Post Office Box 123, Molino, Floida 32577, 03/21/73.

Delaware-Muncie, c/o Mr. Clio Caleb Church, Box 274, Pomona, Kansas 66076, 06/19/78.

Duwamish Indian Tribe, 15614 first Avenue S., Seattle, Washington 98148, 06/07/77.

Eastern Pequot Indians of Connecticut, c/o Mr. Roy Sebastian, Lantern Hill Reservation, RFD 7, Box 941, Ledyard, Connecticut 06339, 06/28/78.

Faircloth Indians, c/o Mr. Jerry Lee Faircloth, Sr., Post Office Box 161, Atlantic, North Carolina 28511, 08/05/78.

Florida Tribe of Eastern Creek Indians, c/o Mr. James E. Waite, Post Office Box 463, Pensacola, Florida 32592, 06/02/78.

Four Hole Indian Organization—Edisto Tribal Council, c/o Mr. Robert Davidson, Route 3, Box 42F, Ridgeville, South Carolina 29472, 12/30/76.

Grand Traverse Band of Ottawa-Chippewas, c/o Eleesha M. Pastor, Michigan Indian Legal Services, 3041 N. Garfield Road, Traverse City, Michigan 49684, 05/05/35

Hatteras Tuscarora Indians, c/o Mr. Vermon Locklear, Route 3, Box 47A, Maxton, North Carolina 28364, 06/24/78.

Huron Potawatomi Band, Mr. David Mackety, Route 1, Fulton, Michigan 49506, 03/11/72.

Ione Band, c/o Mrs. Bernice Villa, Route 1, Box 191, Ione, California 95640, 1916.

Jamestown Clallam Tribe of Indians, Route 5, Box 687, Port Angeles, Washington 98362, 01/22/78.

Lac Vieux Desert, c/o Mr. John McGeshick, Post Office Box 118, Watersmeet, Michigan 49969, 06/01/71.

Little Shell Band of North Dakota, c/o Ms. Mary Z. Wilson, Dunseith, North Dakota 58329, 11/11/75.

Little Shell Tribe of Chippewa Indians of Montana, c/o Mr. George Plummer, Star Route, Post Office Box 21, Dodson, Montana 59524, 04/28/78.

Lower Muskogee Creek Tribe East of the Mississippi, Inc., c/o Mr. Neal McCormick, Route 1, Tama Reservation, Cairo, Georgia 31728, 02/02/72.

Mashpee Wampanoag, Route 130 Mashpee, Massachusetts 02649, 07/07/75.

Mohegan Indian Group, Mr. John E. Hamilton, c/o Mr. Jerome M. Griner, Attorney and Counsellor at Law, 47 North Main Street, West Hartford, Connecticut 06107, 07/12/78.

Mono Lake Indian Community, c/o Mr. William J. Anderson, Post Office Box 237, Lee Vining, California 93541, 07/09/76.

Munsee Thames River Delaware, c/o Mr. William Lee Little Soldier, Post Office Box 587, Manitou Springs, Colorado 80911, 07/22/77.

Nanticoke Indian Association, c/o Mr. Kenneth S. Clark, Route 1, Box 107A, Millsboro, Delaware 19966, 06/08/78.

Piscataway Indians, c/o Mr. J. Hugh Proctor, General Delivery, Box 946, Waldorf, Maryland 20601, 02/22/78.

Plumas County Indians, Inc., c/o Mr. John R. Lewis, Post Office Box 833, 206 Main Street, Greenville, California 95947, 01/06/77.

Principal Creek Indian Nation, East of the Mississippi, c/o Mr. Arthur R. Turner, Post Office Box 201, Florala, Alabama 36442, 11/09/71.

Samish Tribe of Indians, c/o Mr. Robert Wooten, Samish Tribal Office, Post Office Box 217, Anacortes, Washington 98221, 06/13/75.

San Juan de Guadalupe Tiwa (Tortugas, New Mexico), c/o Diamond, Rash, Leslie & Schwartz, 1208 Southwest National Bank, El Paso, Texas 79901, 11/03/76.

Shinnecock Tribe, Post Office Box 59, Southampton, New York 11968, 02/08/78.

Snohomish Tribe of Indians, c/o Mr. Alfred Cooper, Snohomish Corresponding Secretary, 5101 27th Avenue West, Everett, Washington 98203, 03/03/75.

Snoqualmie Indian Tribe, c/o Ms. Helen C. Harvey, 29204 117th S.E., Kent, Washington 98031, 02/05/76.

Southeastern Cherokee Confederacy, Inc., c/o Mr. W. R. Jackson, Route 1, Box 111, Leesburg, Georgia 31763, 03/09/67.

Steilacoom Tribe, c/o Ms. Joan K. Marshall, 2212 A. Street, Tacoma, Washington 98402, 06/28/74.

Tsimshian Tribal Council, 1607 Woodland Avenue, Ketchikan, Alaska 99901, 07/02/75.

Tunica-Biloxi Indian Tribe (Marksville, Louisiana), c/o Native American Rights Fund, 1712 N Street, N.W., Second Floor, Washington, D.C. 20036, 09/07/1826.

Petitions may be examined in the Division of Tribal Government Services, Bureau of Indian Affairs, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20242.

RICK LAVIS,
*Acting Assistant Secretary,
Indian Affairs.*

[FR Doc. 78-36344 Filed 12-29-78; 8:45 am]

DUPLICATE

IN REPLY REFER TO

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
Central California Agency
1800 Tribute Road
Post Office Box 15740
Sacramento, California 95852-0740

SEP 1 7 1984

Ms. Audrina Harrison, Owner
2805 Jackson Valley Road
Ione, California 95640

Dear Ms. Harrison:

The contract signed by you and Mr. Martin Willis for constructing your home has been recorded. You may proceed with construction. Our office will visit the construction site and make periodic inspections. If you have any questions, call our Housing Office at (916) 484-4697.

Sincerely yours,

Harold M. Brafford
ACTING Superintendent

Enclosure

cc: Mr. Martin Willis, Contractor

April 7, I989

U.S. Department of the Interior
Commissioner of Indian Affairs
Bureau of Indain Affairs
I95I Constitution Avenue, N.W.
Washington, D.C. 20245

Dear Sir

This letter is a request from the Iona Band of Miwok Indians for Federal Recognition as an Indian Tribe and the establishment of an Indian Reservation .

The attached resolution is true and accurate statement(unaminously) approved by the General Council April 4, I989.

In Favor: I6
Opposed: 0
Abstained: 0

Yours Truly,

Glen A. Villa Sr.

Glen A. Villa, Sr.
Chairman

RESOLUTION # 8901

Request for Federal Recognition as an Indian tribe and the establishment of a reservation.

WHEREAS, the Ione Band of Miwok Indians has been an Indian entity and acted as a tribe for more than one hundred years: AND

WHEREAS, the Ione Band of Miwok Indians presently occupies aboriginal territory as a group: AND

WHEREAS, the Ione Band of Miwok Indians has been known to be an Indian tribe by Federal, State and Local Governments, in writing, as far back as the nineteenth century:AND

WHEREAS: the Ione Band of Miwok Indians are organized under the Indian Reorganization Act of 1934., And has adopted a constitution and by-laws; AND

WHEREAS, the Ione Band of Miwok Indians is and always has been an Indian Tribe; AND

WHEREAS, the Ione Band of Miwok Indians are entitled to Federal Recognition as an Indian Tribe by the United States Government, Department of the Interior and Bureau of Indian Affairs: NOW

THEREFORE BE IT RESOLVED:

1. the Ione Band of Miwok Indians hereby requests Federal Recognition as an Indian Tribe by the Department of the Interior under 25 U.S.C. 479; AND
2. the Ione Band of Miwok Indians further requests establishment

#890]

of an Indian Reservation under 25 U.S.C._465 "A 40-acre tract of land heretofore sold to the United States government, which land is now fenced and used as an Indian Reservation, as disclosed by various deeds of record wherein said tract was excepted from said deeds, including the deed from McKissick Cattle Company to Stephen E. Kieffer, dated January 24, 1925, recorded in book "45" of Deeds, Page 255, Records of Amador County."

Glen A. Villa Sr.
GLEN A. VILLA, SR.
Chairman

Noma Jean Hendricks 4-7-89
NOMA JEAN HENDRICKS
Vice Chairman

Shelly Moria 4-7-89
SHELLY MORIA
Secretary-Treasurer

54.7(e) A list of all known current members of the group and a copy of each available former list of members based on the tribe's own defined criteria. The membership must consist of individuals who have established, using evidence acceptable to the Secretary, descendancy from a tribe which existed historically or from historical tribes which combined and functioned as a single autonomous entity. Evidence acceptable to the Secretary of tribal membership for this purpose includes but is not limited to:

MEMBERSHIP LIST

Ione Band of Miwok Indians

Ione Reservation
Route 1, Box 1
Ione, California 95640

Burris, Geraldine
2907 Jackson Valley Road
Ione, Cal. 95640

Harrison, Audrina
2015 Jackson Valley Road
Ione, Cal. 95640

Hendricks, Noma Jean
2935 Jackson Valley Road
Ione, CAl. 95640

Hill, Barbara
2917 Jackson Valley Road
Ione, Cal. 95640

Mike,Muriel
2805 Jackson Valley Road
Ione, Cal. 95640

Morla, Shelly
2909 Jackson Valley Road
Ione, CAl. 95640

Morla, John
2909 Jackson Valley Road
Ione, CAl. 95640

Villa, Donald
3035 Jackson Valley Road
Ione, Cal 95640

Villa, Glen
2921 Jackson Valley Road
Ione, Cal. 95640

Villa, Nicolas, Jr.
3015 Jackson Valley Road
Ione, Cal 95640

Villa, Nicolas, Sr.
Villa, Bernice
3025 Jackson Valley Road
Ione, Cal. 95640

Burris, Harold.
2815 Jackson Valley Road
Ione, CAl. 95640

Burris, Pamela
2815 Jackson Valley Road
Ione, CAl. 95640

Boring, Carol
2905 Jackson Valley Road
Ione, Cal. 95640

Hill, Lisa
2917 Jackson Valley Road
Ione, CAl 95640

Hendricks, Katheryn
2935 Jackson Valley Road
Ione, Cal. 95640

Hendricks, Dennis, Jr.
2935 Jackson Valley Road
Ione, CAl 95640

Hill, Loren
2917 Jackson Valley Road
Ione, Cal. 95640

List of Name of Minor Children residing on the Reservation

George Gurion
Alfred Harrison
Raymond Harrison
Lydia Harrison

Connie Blue
Trina Mike

John Morla, Jr.
Clarence Morla
Robert Morla
Mary Morla
Susan Morla
Kevin Morla
Angle Morla

Brian Villa

Patricia Villa
Glen Villa, Jr.
Brenda Villa

Daniel Boring
Melissa Boring
Shawn Boring

Nicole Burris

List of non-voting Spousal Members

Larry Hill / spouse to Barbara Hill
Kathy Villa / spouse to Glen Villa
Joan Villa / spouse to Nicolas Villa, Jr.
Jean Villa / spouse to Donald Villa

RE: CONSTITUTION AND BY-LAWS OF THE IONE BAND OF MIWOK INDIANS
KNOWN AS THE IONE RESERVATION

Please correct the words "Rancheria" or "rancheria" to read "Reservation" or "reservation". There was a typographical error in part of the document. A corrected copy will be provided upon your request. Due to the time factor, we wanted to get this document to your office today.

Thank you.

CONSTITUTION AND BY-LAWS
OF THE IONE BAND OF MIWOK INDIANS
KNOWN AS THE IONE RESERVATION

PREAMBLE

We, the Ione Band of Miwok Indians, in order to establish a formal organization, to protect our tribal customs, and to promote our common welfare, do hereby adopt this constitution and by-laws.

ARTICLE I - NAME

The name of this organization shall be the Ione Rancheria.

ARTICLE II - TERRITORY

The jurisdiction of the Ione Rancheria shall extend to all lands now within its present boundaries, described as follows:

> "A parcel of land in the County of Amador, State of California, described as follows: Beginning at the point of intersection of the center line of the County Road to Jackson, with the Westerly line of the fifty-two acre tract of land owned by Anthony Meath, Armando Dellaringa, Rocco Dellaringa, and Albert Dellaringa, as recorded in Book 130 Official Records, Amador County, California, page 98; thence following the center line of said County Road, North sixty-five degrees, fifty minutes West (N. 65° 50'W.), One thousand seven hundred twenty-five (1725) feet to a point; thence at right angles, North twenty-four degrees, ten minutes East (N. 24° 10'E); One thousand five hundred thirty-one (1531) feet to the West boundary of the said property of Anthony Meath, Armando Dellaringa, Rocco Dellaringa, and Albert Dellaringa; thence following said boundary line, South fourteen degrees eight minutes West (S. 14° 08'W); One thousand eighty-seven (1087) feet to the point of beginning, containing 40.00 acres, more or less,"

and to such other lands as may hereafter be added or acquired.

ARTICLE III - MEMBERSHIP

Section 1. Membership in the Ione Rancheria shall consist of persons in the following categories:

(a) The following named individuals who were living on the Rancheria on October 18, 1972:

Harold Burris, Sr., Esther Burris, Harold Burris, Jr., Carol Burris, Pamela Burris, Muriel Mike, Fred Mike, Sandy Kesler. Andrina Harrison, Effie Burris, Shelly Kesler, Nick Villa, Sr., Bernice Villa, Nick Villa, Jr., Don Villa, Glen Villa, Brenda Villa, William Villa, Frank Pinion, and

(b) Descendants of persons named in subsection (a) above, provided such descendants are not less than one-quarter (¼) degree Indian blood. The degree or quantum of blood of such children shall be determined by adding one-half the degree of Indian blood of each parent.

(c) Spouses of persons named in subsections (a) and (b) above, provided such spouse is not less than one-quarter (¼) degree Indian blood.

Section 2. No person shall be a member of the Ione Rancheria who has relinquished in writing his right to membership on the Ione Rancheria; or who is officially enrolled with or is recognized as a member of some other Rancheria tribe or band of Indians.

Section 3. The official membership roll shall be kept current at all times.

Section 4. Except for persons already adopted, admission to membership through adoption shall be in accordance with an ordinance enacted by the governing body, such ordinance to become effective upon approval of the Secretary of the Interior.

ARTICLE IV - GOVERNING BODY

Section 1. The governing body of the Ione Rancheria shall be the general council. The general council shall consist of all members who are eighteen (18) years of age or older. Each member of the general council is also a qualified voter.

Section 2. The general council shall elect by secret ballot three tribal spokesmen consisting of a chairman, a vice-chairman, and a secretary-treasurer. The chairman, vice-chairman, and secretary-treasurer shall be members of the general council.

Section 3. The chairman of the Tribal Spokesman shall preside at all meetings of the general council and of the business committee, and shall execute on behalf of the rancheria all contracts, leases or other documents approved by the general council. He shall have general supervision of all other officers, employees and committees of the rancheria and see that their duties are properly performed. When neither the general council nor the business committee is in session, he shall be the official representative of the rancheria.

Section 4. The vice-chairman shall assist the chairman when called on to do so, and in the absence of the chairman he shall have the duties of that officer.

Section 5. The secretary-treasurer shall keep the minutes of all meetings and shall attest to the enactment of all resolutions and ordinances. Copies of all minutes, resolutions and ordinances shall be submitted by him to the Bureau of Indian Affairs as soon after enactment as possible. The secretary-treasurer shall carry out the financial directives of the general council, receive all monies of the rancheria and keep an accurate account of the receipts and disbursements. Funds shall be deposited in the rancheria account in a bank selected by the general council shere depositors' funds are insured by the Federal Deposit Insurance Corporation. All disbursements shall be made by check in accordance with resolutions of the general council and shall be co-signed by the chairman or the vice-chairman in the absence of the chairman. The secretary-treasurer shall file a bond satisfactory to the general council when it is of the opinion that sufficient funds have accumulated in the rancheria treasury. The general council shall authorize payment of the annual bond premium from the local rancheria funds. The secretary-treasurer shall give a financial report to the general council at each meeting, and all records shall be available for inspection by any member of the Ione Rancheria and by authorized representatives of the Bureau of Indian Affairs.

Section 6. Regular meetings of the general council shall be held on dates set by the tribal spokeman, with 10 days written or verbal notice given to all general council members. Special meetings may be called by the chairman of the spokesman, or by written petition of not less that fifty-one (51) percent of the general council membership shall constitue a quorum, and no elections or business shall be conducted in the absence of a quorum. Registration will not be necessary to vote in any election or business session.

ARTICLES V - ELECTIONS

Section 1. Tribal spokeman shall be elected every two years on the 3d Wednesday of October, beginning in 1974 following the approval of this organizational document. Each term of office shall be for two years and until a successor is elected. Any member eighteen (18) years of age or older, on election day, if duly nominated and elected, has the right to hold office. Nominations shall be from the floor at a general council meeting. However, following approval of this organizational document the officers elected in October, 1972 by members of the Ione Rancheria shall serve as the tribal spokesman under this constitution until the first regualr electio is held as provided herein.

Section 2. The candidate receiving the highest number of votes for the respective offices shall be declared elected. Newly elected officers shall assume their respective offices and duties imediately upon being elected. In case an election results in a tie vote, the chairman shall order a new election for the offices in question, which election shall be held within thirty (30) days. The same candidates shall be voted upon in the second election. No spokesman shall hold the same office for more than two consective terms.

Section 3. All elections of officers shall be conducted by the tribal spokesman, and voting will be by secret ballot, with the name of each candidate and the office he seeks shown thereon. Absentee ballots shall be furnished upon request to members who will be unable to a attend the regular biennial election meeting, or the subsequent election meeting following a tie vote cast at the biennial election, in ample time for the ballots to be returned and included in the tally of ballots cast at the election meeting.

ARTICLE VI-VACANCIES AND REMOVAL

Section 1 . If an officer shall die, or resign, the office shall be automatically vacated. Any office which is vacated shall be filled within thirty days of the date it becomes vacant by a special election at a general council meeting called for this purpose by the tribal spokesmen unlesss such vacancy occurs within sixty (60) days of the regular biennial election. Such replacement officer shall serve the unexpired term office. Ten(10) days notice of this special election shall be given to all council members.

Section 2. Not more than ten (10) days after receipt of a petition requesting the removal from office of an elected official, which petition shall set forth the specific reasons for which removal is sought and shall be signed by not less than fifty-one(51) percent of the voters, the tribal spokesmen shall call a general council meeting to hear the charges against the official. It shall at the same time notify the official in writing of the charges against him or her, and of the date, hours and place of general council meeting at which time he or she may appear and answer those charges. After the official has had full opportunity to be heard by general council, the general council, by secret ballot, shall vote on the question of the official's removal At least 51% of the total general council membership must vote for removal in order for the officer to be removed. If the official is removed by such vote, his office shall be automatically vacated and the general council shall proceed to nominate candidates and elect a replacement official who shall serve the unexpired term of office. Such general council meeting shall be held within thirty (30) days of the date that a valid petition for removal action is filed with the tribal spokesmen.

Section 3. In neither of the elections provided for in this article shall absentee ballots be cast.

ARTICLE VII-POWERS OF THE GENERAL COUNCIL

Section 1. The general council shall have the powers and responsibilities hereinafter provided, subject to any limitation imposed upon such powers by the statutes of the United States.

(a) To consult, negotiate, contract or conclude agreements with Federal, State and local governments on activities which may affect Ione Reservation.

(b) To employ legal counsel, the choice of counsel and (fixing of fees) to subject to the approval of the Secretary of the Interior or his authorized representative.

(c) To receive advice from and make recommendations to the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of members of the Ione Reservation prior to the submission of such estimates to the Office of Management and Budget and to Congress.

(d) To administer all lands and assets and manage all economic affairs and enterprises on unassigned lands of the Ione Reservation.

(e) To pass any and all ordinances necessary to form a Housing Authority, or to join an existing Housing Authority.

(f) To acquire property and to accept gifts.

(g) To assess fees for payment for the expenses or to finance any project which is for the benefit of the members of the Ione Reservation as a whole.

(h) To establish rules of procedure for the conduct of its affairs.

(i) To prescribe rules and regulations governing loss of membership, and the regaining of membership.

Section 2. The tribal spokesmen shall have the following powers and duties, but shall not commit the Reservation to any contract, lease or other arrangement unless it is so empowered by a duly enacted ordinance or resolution of the general council:

(a) To represent the members in all negotiations betweeen the band and local, State and Federal Governments, their agencies and officers, provided that the tribal spokesmen shall faithfully advise the members of all aforementioned negotiations.

Section 3. Any rights and powers heretofore vested in the Ione Reservation but not expressly referred to in this article shall not be lost by reason of their omission but may be exercised with the adoption of appropriate resolutions, ordianaces, or amendments.

Section 4 No sale, disposition, lease, encumbrance of tribal lands, interest in lands or other tribal assets shall be made without the consent of the governing body of the Ione Reservation.

ARTICLE VIII-BILL OF RIGHTS

Section 1. The protection guaranteed to persons by Title II of the Civil Rights Act of 1968 (82 Stat. 73) against actions of a tribe in the exercise of its powers of self-government shall apply to the Ione Reservation, its officers and all persons within its juisdiction.

ARTICLE IX-AMENDMENT AND REVOCATION

Section 1. This constitution may be amended by a majority vote of the general council at an election(authorized for that purpose by the Secretary of the Interior) provided at least fifty-one (51)percent of those entitled to vote shall vote in such election.

Section 2. This constitution and by-laws may be revoked by a majority vote of the general council, but at least fifty -one (51)percent of all those member entitiled to vote must vote in such an election.

ARTICLE X - ADOPTION

Section 1. This constitution and by-laws when adopted by a majority vote of the qualified voters of the Ione Reservation voting at an election authorized for the purpose by the Secretary of the Interior, provided that at least thirty (30) percent of those entitled to vote shall vote in such election, shall be submitted to the Secretary of the Interior for approval and, if approved, shall be effective from the date of such approval.

Mr. Chairman and members of the Committee:

My name is Donald Ray, I am the Tribal Chairman of the Hopland Band of Pomo Indians located in Mendocino County, California. I am very pleased to be able to make oral testimony before your committee on the "INDIAN FEDERAL ACKNOWLEDGMENT ADMINISTRATIVE PROCEDURES ACT OF 1989". I cannot emphasize strongly enough the significance of this Bill, S.611.

Many of the California people are still waiting for the Bureau of Indian Affairs to act on countless numbers of Indian groups petition for acknowledgment. Many Tribes have been waiting years for the Federal Government to acknowledge their existence as a Tribal Government. I would like to thank you for taking the lead on this Bill and introducing it to the 101st congress of the United States.

The Hopland Band of Pomo Indians has been formally organized since the latter part of 1978 and to this day, have not been formally recognized by the federal Government as a Tribal Government. We have operated many federal grants, contracts and other programs for the good of Indian people on our reservation. I believe our application is one of the Hundreds of petitioners awaiting consideration. If this act does nothing else it will provide the Tribes with a mechanism for consideration of our petitions and a process of responsibility.

I agree this agency must have a director and subordinate staff but, I wonder if the Budget for these positions will come from the already burdened Bureau of Indian Affairs budget? If so, then we need to know how this will effect our individual agency offices?

Appeals Panels:

I can understand the rational rehind Sec.6 (2) but I would like to have a scholar in anthropology from an American Indian point of view, perferrably and Indian person in accordance with the Indian perference guidelines.

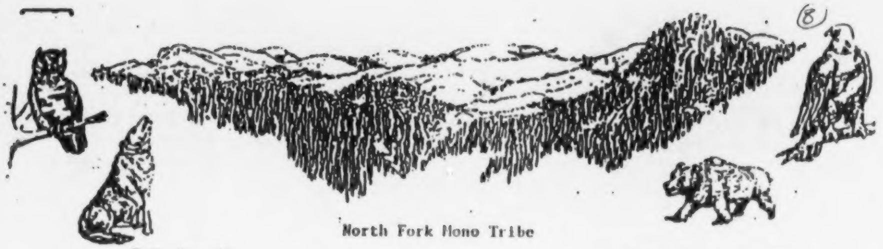
I would like to request that Tribes receive a copy of the "Report to Congress" section 11.(a) if at all possible. I would like to see the report determining the approximate order in which all pending petitions will be reviewed.

I am very delighted to see an appropriations attached to this Bill, because so many times in the past a Bill is introduced and no funds are appropriated. Thus, leaving the obligation to the Bureau of Indian Affairs and the already over strained budget.

I would like to recommend that the highest ranking in priority be given to the Tribes who have been waiting the longest. Since these entities have endured the test of time. The main objective of this legislation is to have an agency responsibile for the approval and denial for acknowledgment of Indian groups in a timely manner. I sincerely hope this legislation will pass both Houses in a swift and orderly style. I cannot see where any part of this legislation will harm Indian people, Therefore, I give my support for this Bill S-611.

Also, I would commend the Select committee on the action taken to help Indian people regain recognition as Tribal Governments.

(8)



North Fork Mono Tribe

P.O. Box 49

North Fork, Ca 93643

April 28, 1989

Dear Senator Inouye:

I bring you greetings from the North Fork Mono Tribe. Speaking on behalf of the elders, Tribal Council, and 800 plus members, we wish to stress the importance of a bill such as [redacted] We support you, your committee, and any other legislator's efforts in the endeavor of Congressional enactment to reinstate the government to government relationship with unrecognized tribes of California.

Because of the unique situation involved with each tribal group, a special and broad-based legislation has to be developed to be able to include all California Indians. Bill S611 is a gallant effort and we applaud all considerations given.

But, S611 still falls short on the specification of a submitted petition on the basis of an equal timeline of Federal acknowledgment for all California tribal applicants. Secondly, the appropriations proposed when broken down won't even be enough to hire a decent business manager, let alone help a new tribe get established. For tribes still conducting research for the tribal recognition process, $3,000,000 divided by 100 Federal acknowledgment applicants is only $30,000 per tribal group. It takes $75,000 per year to hire a worthwhile researcher.

We are the largest tribal group in Central California and the largest tribe of the Mono nation which according to the 1980 census was the largest populated tribe in California. Of those that still live in the local community, 80% are dependent on work in the forest.

Now our local National Forests are drastically cutting back on timber harvesting, effecting our already low economical livelihood to a lower level.

North Fork Mono have been living in Eastern Madera County for thousands of years. Since the unratification of the 1851 Treaties, and the U.S. Government's unwillingness to recognize our people on a Government to Government basis, we have struggled with virtual elimination of our tribal existence.

We are constantly threatened by loss of our Health Services, our young are without grant funds to attend college, our adults are denied career training and educational services. Our elders' homes are in need of repair and are denied housing services. Our sacred sites are unprotected, and their use constantly threatened. Even our cultural museum property has been attacked by the County for condemnation for Eminent Domain purposes for a road realignment.

Senator, we have banded together with other California tribes for a more unified effort to effect passage of legislation for Federal Recognition for all California Indians. But the legislation we support must give all an equal basis for qualifying and an equal basis for establishing their tribal entity on a Government to Government relationship.

Thank you,

Sincerely,

Ivadelle Mowery

Ivadelle Mowery

North Fork Mono Tribal Council

Sierra Mono Museum
Board of Directors

⑨
5611

Association For Non-Federally Recognized Tribes of California

To: Senator Daniel Inouye, Chairman, Senate Select
Committee on Indian Affairs
SH-Hart Senate Office Building, Washington D. C. 20510-6450

April 27, 1989

The deplorable treatment of the Native American Indian People of this country and the systematic destruction of its vast and diverse cultures is known to us all. Yet, nowhere has this been as glaring and dramatic as in the state of California.

Between 1700-1900, the Indians of California underwent a severe decline in population. From an estimated 310,000 (pre-contact) to less than 20,000 after the arrival of Anglo-European civilization. A decline of 90% of California's Indian population during that period. The direct cause of death was disease, exposure, acute starvation, and the ruthless annihilation brought upon the Indians by miners, ranchers, homesteaders and the U.S. Army. The white invaders had all but exterminated the Indian people of California. Leaving an estimated 20,000 survivors scattered throughout the state.

The creation of the state government in California only served to institutionalize the policies of Indian genocide. The elimination of the Indians and their culture was still the goal of this states government as evidenced in the message by Governor John McDougall to the State Legislature in 1851 :

> "That a war of extermination will be continued to be waged between the races until the Indian race becomes extinct, is expected---the inevitable destiny of the race is beyond the power and wisdom of man to avert" (California State Legislature, Senate and Assembly, 1851.)

One thing remained clear, California Indians were an obstacle in their inevitable progress in occupying and exploiting these sacred lands.

In March or April of 1851, the U.S. Congress sent three U.S. Commissioners out to California to make "treaties" with the Indian tribes, bands and groups throughout the state. The U.S. Commissioners were in the Mariposa area "Camp Barbour" in April 1851. They contacted all Indian tribes, bands and groups in this central area.

The Indians were to come to the Commissioners camp to negotiate and sign a treaty with the U. S. Government. The Indians did come into their camp and the chiefs, capitans and tribal leaders put their name/or mark on the treaty. The Commissioners had negotiated eighteen of these treaties with California Indian tribes, bands and groups during that period.

After negotiating the treaties with the California Indians, the U.S. Commissioners returned to Washington D.C.

Knowing of the rich natural resources of California, coupled with the greed and racism- California politicians and wealthy entrepreneurs among others, persuaded the U.S. Senate from ratifying the California treaties.

The U.S. Government did establish reservations during and after the 1851-52 period for some of the homeless and landless California Indians. But the majority of the Indians were left landless and had to fend for themselves.

The span of one hundred and thirty eight years have not changed much it seems, because today, the majority of California Indians are still Non-Federally Recognized and Non-Landbase. That is the purpose of this hearing today.

We, the Association For Non-Federally Recognized Tribes of California feel it is time that we be heard and have a voice as to what happens to our people in the future. We have been the silent majority for too long. We are glad that there is a U.S. Senate Select Committee on Indian Affairs, to listen and hear our words today.

The S.611 Bill, the "Indian Federal Acknowledgement Administration Procedures Act" of 1989, is a step in the right direction as to have the U.S. Congress realize that they have an obligation to the Non-Federally Recognized Indian Tribes of this nation, and in our case, "California".

Page 3.

The Association For Non-Federally Recognized tribes of California do hereby make the following two statements:

1.) That we approve and support the S.611 Bill, introduced to the 101st Congress by Senator Inouye, Chairman, U.S. Senate Select Committee on Indian Affairs.

2.) That we request and ask that there be a special attachment "rider" to the S.611 Bill, for a "Blanket" Federal Recognition Status for Califonia's Non-Federally Recognized Indian Tribes.

Respectfully Submitted By:

Jay Johnson

Jay Johnson-Chairman
Association For Non-Federally Recognized Tribes of California
P.O. Box 1617, Yosemite Lodge
Yosemite National Park, CA 95389

American Indian Council of Mariposa County

P. O. BOX 1200 • MARIPOSA, CALIFORNIA 95338

Nick Brocchini
Chairman
Louis Coleman
Vice Chairman
Regina Rhoan
Secretary
Sara Lovell
Treasurer
Della Hern
Director at Large

SL11

April 27, 1989

To: Senator Daniel Inouye, Chairman
Senate Select Committee on Indian Affairs
SH-838 Hart Senate Office Building, Washington D.C. 20510-6450

The American Indian Council of Mariposa County represents several Indian Tribes, bands or groups who have made this area their home as their ancestors have for hundreds of years past. The area known today as Mariposa County including Yosemite Valley, Yosemite National Park was the domain of the Southern Miwoks. The majority of Indians today are descendants of the old Yosemite Indian Tribe the "Ahwaneechees".

We organized the Council in January of 1971, based on the fact that we as Indian people realized that we had lost much of our traditional culture. If we do not do something about that now, in another generation or so, everything will be gone. Our children and their children will have lost their rich cultural heritage.

Besides of holding on to the traditions that we still know or have within us, the purpose of our Council is to help our people become self-sufficient and to raise our standards of health, education, welfare and social life.

The American Indian Council of Mariposa County, during the past eighteen years have come a long way in doing things for itself. We have worked from the very beginning, with statewide Indian Organizations, Federal, State and County agencies with various programs or projects. We also have made good strides in keeping our culture alive.

Page II.

This coming June, 1989, we will hold our Fourteenth Annual Traditional Indian Gathering in Yosemite Valley, Yosemite National Park. Yosemite Valley is within the area of our ancestral lands.

Our Council started to seek Federal Recognition in 1981. We submitted our petition to the Bureau of Indian Affairs, Washington D.C. in 1984. We received letters from the BIA Branch of Acknowledgement and Research Office concerning obvious deficiencies and significant omissions to our petition in 1985. We received a second letter which was up-dated by the Branch of Acknowledgement and Research in 1988 and at the present time we are working on the obvious deficiencies identified in the letter.

This year will be the eighth year that we have been involved with the Federal Acknowledgment Process. And who knows how many more years it will take to complete the process to be considered for Federal Recognition as a Tribe.

The S.611 Bill, "Indian Federal Acknowledgement Administrative Procedures Act" of 1989 is a much needed congressional legislation in making it possible for unrecognized Tribes to become federally recognized. Also to expedite the Federal Acknowledgment Process.

We, the American Indian Council of Mariposa County do hereby support the S.611 Bill, introduced to the 101st. Congress by Senator Inouye, Chairman, Senate Select committee on Indian Affairs. We also request that there be a special attachment "rider" to the S.611 Bill, giving "Blanket" Federal Recognition to the unrecognized Tribes of California.

On behalf of the Indian people of Mariposa County, I thank you for your time and consideration.

Respectfully Submitted:

Signed: : Council Chairman
Attest: Jay Johnson : Council Member/Spokesman
Attest: : Council Member

Hestum! The Wintu word for greetings.

I am Florence Jones, over 80 years of age, the Spiritual/ Herbal Doctor and leader of the Winnimem Band of the Wintu Nation in northern California.

I was born and raised on ancestreal lands along the McCloud River. It wasn't a freak of nature that my mother was 60 years old when I was born, it was prophesied at my birth I would be a great doctor for my people and bridge the gap between ancient times and the modern day. As my time comes to pass, I see that I was and still am the bridge that fills the gap. The spiritual doctors responsibility is to maintain the health of the "WHOLE".

To be a spiritual doctor, you have to be born spiritual and be accepted by the spirits for training. I was born into a family of doctors and chief leaders, being a five (5) times great grand daughter of the last Chief Del-a-can-tillima. I was trained in the naturally and spiritual laws of the Great Spirit and the Creator. My world was still Wintu. I was coached in the spiritual and healing arts by my Aunt Tildie Brock, during that time there were many doctors to help and oversee a young ones training.

I want to say for the record that things were much easier in those days, the people understood their indian ways, they had respect for the doctors and the spiritual.

By traditional Wintu law we have a man as chief, he is our speaker and we have our spiritual doctors who can be man or woman. If there is no man to be chief, the spiritual doctor is the leader, that is how it came to be that I am leader of the Winnimem Band of Wintu.

At this time I am training my niece Charlene Ward to be the Spiritual/Medicine Doctor. I am confident that she will continue to maintain our Wintu Spiritual Laws when I am gone.

I have continuously used and maintained two sacred places within our ancestreal boundries. One is a Doctors training ground on the McCloud River where each spring we have a ceremony, the other place is on Mt. Shasta where we conduct our World Renewal Ceremony yearly at Coonrod Flat.

These historical sacred sites are on Public Lands administered by the U.S. Forest Service, our access to continue the Spiritual Ceremonies of our Wintu ancestors is by use-permit. There are many other sacred sites that are essential to the religious practices of our people for which there are no use-permits.

The Spiritual Doctor is given the original laws to maintain, this is essential to protect and manage the land, continue the ceremonies that provide harmonious spiritual balance for the people. I know it is still hard for the dominant societies to understand our autonomous government structure and how this interconnect with Spiritual and Natures Law. Like all civilized nations our foundation and principle of law is based on spiritual guidence.

Our continued existance as an autonomous nation of original people that historically and continuously used and occupied ancestreal lands is jeopardized by the failure of the Federal Government to "Recognize" and remedy the gross negligence and breech of Trust Responsibilty. The government to government relationship did exist and was ongoing; evidenced by the distribution of tribal lands to individual members by allottment. The beneficial use of these lands were determined by certification of the historical tribal identity and affiliation. These lands were taken, we were forced to relocate by the government to develop the water and power project proposed in the year 1915. During that time the government agent for the B.I.A. made contact with our band, he did a cencus of the people stating the purpose was for the aquistion of land for our band. To this day we have not had our lands restored or a fair exchange for lands taken.

Although we continue to function as a self-governing tribal authority, actions by the agency continue to undermine our right of self government. The extent of that right has been determined to exist by action of the government to "Federally Recognize" the Wintu Nation. When and how the Federal Government altered the established and ongoing government to government relationship is not clear.

To allow the past and present course of action by the B.I.A. to disrupt and change the self governing authority of our nation would be the first step towards absolute destruction and elimination of the Wintu people.

Will "Federal Recognition" protect our members, our lands and promote the accumulation of assets to economically support the continued existance of our Sovereign Nation whose powers were bestowed by the Creator?

Florence V Jones

Florence V. Jones,
Spiritual Leader

Dorothy Ward

Dorothy A. Ward
Tribal Administrator

Charlene Ward

Charlene Ward
Spiritual Medicine Woman

STATE OF CALIFORNIA

COUNTY OF Shasta ss.

EMPRESS C. SMITH
My Commission Expires April 30, 1990

On this 24th day of April, in the year 1989, before me, Empress C. Smith, a Notary Public, State of California, duly commissioned and sworn, personally appeared Florence V. Jones - Dorothy Ward and Charlene Ward personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to this instrument, and acknowledged that they executed it.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the County of Shasta on the date set forth above in this certificate.

Empress C. Smith
Notary Public, State of California

My commission expires 4-30-90

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SHASTA NATION

Shasta Nation
P.O. Box 1054
Yreka, Ca. 96097

April 23, 1989

Senator Daniel Inouye
United States Senate
Select Committee on
Indian Affairs
Washington. D.C.

Dear Senator Inouye,

I am Roy Hall, Jr. Chairman of the Shasta Nation and I am appearing before the Senate Select Committee On Indian Affairs regarding Senate Bill S. 611.

Senate Bill S611 will greatly increase the possibility of Federal Recognition for Indian groups involved in the present process. It should also shorten the procedure considerably.

With the present process used by the Acknowledgement Committee, each letter of deficiency gets longer instead of shorter, as if they are looking for something about your tribe that you can't possibly give them. They request information that they know is unattainable. For example, they have requested that the Shasta Nation provide copies of their members telephone logs of their personal calls to other Shasta Indians, to prove that they kept in contact with each other through the years. Not many people keep a phone log of their personal calls or have kept their phone bills since they first got a phone. This present procedure can go on indefinitely, because they state that with the present documentation, the petition would be denied.

The Acknowledgement Committee is now strongly suggesting that an Etnographer write the supplement to the Shasta Nation's petition in order for it to be acceptable. I have been under the impression that since white men realized that the Indian would have to be dealt with. There has been considerable time, effort and money spent to assimilate the Indian people into the white culture and still keep them separate.

Now, when some groups have the knowledge, ability, and expertise to write their own history, the Acknowledge Committee feels that it is necessary to spend more government grant money on someone who only takes down what the Indian says, adds his own personal opinions, and gets paid handsomely for his efforts. The committee has hinted, that without an ethnographers signature on it, a petition has little chance of passage. I have seen nothing in the CFR requiring this.

The Shasta Nation's petition and one supplement were written by two members, one a College degree in English and the other a College degree in Community Organization and Program Planning. Their education does not seem to satisfy the committee.

The Acknowledgement Committee keeps changing their criteria. At first George Roth stated that it was not necessary to document every decade, just show the continuation of tribal unity. Now, he and Mike Lawson state that it is necessary that each decade be documented to meet all the listed criteria.

We do not understand the purpose of the Acknowledgement Committee. Is it not their purpose to assist petitioners?

Everywhere the Shasta Nation turns, we are stifled by the government agencies designed to help Indians.

Because of a lack of Federal Recognition, the Shasta people have been told that they cannot get or must fight to get: health care, food commodities, educational grants, minority job preference, housing, government grants for Indians, Bureau of Indian Affairs assistance, Indian Legal Services representation and other services. In general, any time a Shasta Indian applies for government assistance they are first told that without Federal Recognition they don't qualify as Indians.

I feel that the Senate Bill S. 611 will help greatly in solving some of the problems with the interpretation of the present criteria that the Acknowledgement Committee has. I feel it will also help in the long run with the problems mentioned above, for everywhere the Shasta Members turn, the fact that we are not Federally Recognized is used against us by the Bureau of Indian affairs and other Federal Agencies.

In the supplemental material attached you will see how the Shasta Nation has been discriminated against for lack of Federal Recognition.

We want the "Paper Genocide" to stop. The Shasta Nation does exist and does deserve to be Federally Recognized. We will continue our struggle. Thank you for your time.

Roy V Hall Jr.

Roy Hall, Jr.
Chairman, Shasta Nation

April 29, 1989
SUPPLEMENTAL MATERIALS TO THE TESTIMONY OF ROY HALL, JR.
CHAIRMAN OF THE SHASTA NATION

PRESENTED TO THE SENATE SELECT COMMITTEE ON INDIAN AFFAIRS.

SACRAMENTO, CA.

Californias' Native Americans, because of the gold rush in the 1850's and even earlier in the rush for rich lands and furs have had a long and bloody history, genocide seemed the best and cheapest solution for the white man.

For the Shasta, it began with the first fur traders discovering the rich beaver populations on the rivers of their aboriginal territory. Since then, there has been a treaty, signed in good faith with a deceitful government that never intended, and never has ratified it.(exhibit 1) The Shasta people have been poisoned, taken for bounty,(exhibit 2) and made wards of the government by the AN ACT for the Government and Protection of Indians. Passed April 22, 1850.(exhibit 3)

In recent history things have not changed except that the genocide has become civilized and refined. Today words are used to destroy. We call it "Paper Genocide".

The Karok Tribe of California's Treaty dated October 6, 1851, is a supplement to the Hupa Treaty.(exhibit 4&5) The Treaty that the Karok Tribe of California used in their Federal Recognition process was the Shasta Treaty, dated November 4,1851, meant for "...all the tribes on the Klamath, Scott's, and Shasté rivers, speaking the Shasté tongue,..." (exhibit 6&7) Mary Risling, an attorney for Ca. Indian Legal Service represented the Karok Tribe knowing this fact.

The Bureau of Indian Affairs, Calif. Indian Legal Service, Indian Health Services and other Federal Agencies know this and still deter the Shasta Nation in every way to cover up the mistake.(exhibit 8) They chose to ignore the facts and instead try to make us believe in nonexistent policy and law. When asked to see this documentation they say that it was left at their office and they will send it, but they never do.

Another case of discrimination and "paper genocide" against Shasta Indians is an inheritance dispute.(exhibit 9)* Caraway George, representing his mother, Alpha Templeton, who is the rightful heir to the Shasta Indian Allottment of Julius Bender in Yreka, California, had proven his case with documentation before Administrative Law Judge, William Hammet. Judge Hammet awarded Alpha Templeton the allotment, the case was appealed. Two appellate judges, Anita Vogt and Katheryn A. Lynn overturned Judge Hammet's decision. They questioned his reasons, then refused to accept the documentation because it had come from the Shasta Nation a "non-federally recognized tribe". If the other parties in this dispute are related to Bender, as they claim. Wouldn't they also be Shasta Indian, and non-federally recognized?, and what does being Federally Recognized have to do with an Indian Probate? Do non-related Federally Recognized Indians have the right to take lands from non-federally recognized heirs?

These people are in fact the husbands, brothers, descendents, of the Shasta woman who had claimed heirship with nothing but her word and a make believe relative as proof. How can this be accepted above extensive documentation and genealogy? These people are of Karok descent and any Shasta linage is questionable.

Mr. Stansbury, of the Bureau of Indian Affairs in Redding, California, has referred to this land as the "Yreka Karok Trust Lands". Mr. Overburg, Superintendent of the Bureau of Indian Affairs in Redding, Ca. has stated in a letter that there "...never was a treaty negotiated with the Shasta Indians..."(exhibit 10) More "paper genocide".

Regarding health care for Shasta Nation members, nothing has improved since Roy and Betty Hall filed a law suit against the Indian Health Service for lack of health care. Members are treated as outpatients. If hospitalization is required, a purchase order from the Karok Tribal Health Program is required. This is supposed to guarantee payment of the bills but instead the KTHP allows the bills to be sent to collection against the Indians who must, upon entering the hospital, sign a form saying that they will be responsible for the bills should the KTHP not honor the purchase order. Those who don't understand that a purchase order is a guarantee to pay will sometimes pay the bills once they are sent to collection if they have money just to protect their credit. The same "Policy" is implemented if you have an emergency. KTHP will allow the bill to sit in collection and even lie about it being paid. It should not be necessary to follow the director and manager around looking over their shoulders to see that the bills are paid. This happens on a regular basis to Shasta Indians who are in a constant battle to get their health care paid for.

The health care has dropped to a level where many Indians prefer to be sick rather than go to a Doctor they feel is incompetent.

I.H.S. Representative, Molin Malakay, has been knowingly misinforming the Quartz Valley Reservation as to Indian Health Procedure and Regulations. I.H.S. states new policy, but do not produce any on paper. Arron Peters, Director of Karok Care, implements policy contrary to I.H.S. Regulations and Molin Malakay backs him up. Aren't new Indian Health laws mandated by Congress alone? The KTHP and I.H.S. will not produce a written policy which must be posted at a clinic according to state law. Now the Director of KTHP, Arron Peters will not pay for any medications for Shastas that are not medi-cal approved. We have been unable to find a written copy of this new policy.

An Emergency patient came into the Karok Clinic completely broke out in hives, she asked to see Dr. Blum and was told by the staff that the Doctor was not in the Clinic but was at the hospital and to go down there for care. She told the staff that she was going to the hospital and did so as an emergency patient, and was cared for immediately by another physician. Dr. Blum was not present.

She informed the hospital that this was covered under

Karok Health Care. When she received the bill she turned it into their clinic for payment.

The patient then received a letter from Arron Peters, Director of KTHP stating that the Dr. was at the Karok Clinic at the time, and that since her condition was not life threatening KTHP was not obligated to pay the bill.(exhibit 11) This is a case of a non medical person making medical decisions and refusing the facts.

Shasta People are being denied their rights as Indians for services because, they are told, they are not Federally Recognized and therefore have no rights.

Molin Malakay has stated that there will be service areas designated as Quartz Valley Tribe, Yreka Tribe, and Happy Camp Tribe. These place names are fictitious names and have no Historical significance as to the tribes in question. It is another ploy by IHS to use "paper genocide" to eliminate the Shasta Nation in Its Aboriginal Area. All of the designated areas are in the Shasta Nations Aboriginal Lands.(exhibit 12). Again we are being faced with "Paper Genocide" The Karok Clinic is located in Yreka, Ca. in the heart of The Shasta Nations Aboriginal Territory. Their budget is directly related to the total Indian Population of their service area, including the non-federally recognized indians. Still the discrimination goes on.

When Roy and Betty Hall filed a law suit against the Indian Health Service and acquired the Legal Services of Northern California Inc. to represent them. (Calif. Indian Legal Service refused the case stating that it would be Indian against Indian) to represent them, Cindy Babby, Daughter of Joe Babby, Superintendent of BIA, Sacramento, was transferred to Redding, Ca. and assigned to their case. Cindy Babby stated that she did not see a conflict of interest but has since made every effort to lose this case. Cindy Babby called Mrs. Hall and badgered her to approve this release over the phone (exhibit 13) citing no time to send it for written approval. In reality the only thing that was necessary to sign was an authorization for payment for one of the parties in the case. (exhibit 14)

There are many other examples, but this should give you an idea of what the Shasta Indians, as individuals and as a Nation face continuously.

We hope that senate bill S. 611 and Federal Recognition will help to stop the discrimination and "Paper Genocide" we now face.

We would appreciate any advice and help you can offer.

Roy V. Hall Jr.

Roy Hall, Jr.
Chairman, Shasta Nation

Exhibit 1

TREATY WITH THE UPPER KLAMATH, SHASTA AND SCOTT'S RIVER, 1851

Treaty Made and Concluded at Camp, in Scott's Valley, Shasta County, State of California, November 4, 1851. Between Redick M'Kee, one of the Commissioners on the Part of the United States, and the Chiefs, Captains and Head Men of The Upper Klamath, Shasta, and Scott's River Tribes of Indians.

November 4, 1851
Unratified

A treaty of peace and friendship made and concluded at camp, in Scott's Valley, Shasta county, California, between Redick McKee, one of the Indian agents specially appointed to make treaties with the various Indian tribes in California, on the part of the United States, and the undersigned chiefs, captains and head men now in council at this camp, representing the Upper Klamath, Shasta, and Scott's River Indians, residing severally in twenty-four, nineteen, and seven rancherias or villages, and known as the O-de-i-lah tribe or band, I-shack chief, from the Upper Klamath river; I-ka-ruck tribe or band, Tso-hor-git-sko chief; Ko-se-the tribe or band, Ada-war-how-it chief; I-da-kar-i-waka-ha tribe or band, I-da-kar-i-wake-ha chief, from Shasta valley; Wat-sa-he-wa tribe or band Ar-rats-a-cho-i-ca chief; E-eh tribe or band, An-na-nik-a-hok chief from Scott's Valley.

Article 1. The said tribes or bands acknowledge themselves jointly and severally under the exclusive jurisdiction, authority and protection of the United States, and hereby bind themselves to refrain hereafter from the commission of all acts of hostility or aggression towards the government or citizens thereof, to live on terms of peace and friendship among themselves and with all other Indian tribes which are now or may hereafter come under the protection of the United States.

Art. 2. To preserve the peace and friendship hereby established between the United States and the said tribes or bands, it is understood and agreed that for injuries received on either side, no private revenge or retaliation shall take place or be attempted; but instead thereof complaints shall be made by the party aggrieved to the other, through the Indian agent or sub-agent of the United States for their district, who shall investigate, and, if practicable, adjust the difficulty; and in case of acts of violence being committed upon the person or property of a citizen or citizens of the United States by an Indian or Indians belonging to or harbored by either of said tribes or bands, the party or parties charged with the commission of the crime shall be promptly delivered up when demanded of the chiefs by the said agent or a duly authorized officer of the county, to be tried for the alleged offence by the civil authorities of the State of California; and in case the crime has been committed by a citizen or citizens of the United States upon the person or property of an Indian or Indians of either of said tribes or bands, the agent shall take all proper measures to bring the offender or offenders to trial in the same way.

Art. 3. The said tribes or bands for and in consideration of the premises, and of the stipulations and promises hereinafter contained, hereby jointly and severally sell, cede, relinquish, and forever quit claim to the United States, all their right, title, claim or interest of any kind which they or either of them have to the lands they now occupy, and to all other lands or soil in California.

Art. 4 To promote the permanent settlement and improvement of said tribes or bands, it is hereby stipulated and agreed that the following described tract or district of country shall be appropriated and set apart as an Indian reservation, and the use and possession thereof forever guaranted to the said tribes or bands and their successors, equally with such other Indian tribes or bands and their successors, as the United States may hereafter remove from the waters of the Klamath or Trinity rivers of elsewhere in northern California, and settle thereupon, to wit: commencing at a point on the easterly side of Scott's valley, about six miles above the cabin or improvement generally known as Watson, Gee & Company's ranch, where two cedar trees stand upon the southwest side of a bald hill, and midway between the said cedars; thence running in a southwesterly direction across the said valley to a point projecting into the same, behind which stands a conical peak called Seinc's peak; thence over the same and over said peak to the summit of the dividing ridge between the waters of Scott's and Klamath rivers, thence following the same to where a divide runs northward to a creek or large brook entering the Klamath from the northward next above the one entering at Murder's bar, and known as Indian creek, thence along said divide and across the Klamath river to the mouth of said creek; thence up the main fork of said creek to the forty-second parallel of north latitude; thence eastward along said parallel to a point due north of a point where the ridge dividing the waters of Scott's river from the waters of Humbug creek terminates at or near the Klamath; thence due south, crossing the Klamath river, to said point, thence following said divide and the divide separating the waters of Scott's river from the waters of Shasta river to a point in a line with the place of beginning, and thence southwesterly to said place of beginning; said tract being by estimation twenty-four miles in length from northwest to southeast by fifteen miles in average width, and containing between four and five square miles of tillable land, PROVIDED HOWEVER, That those citizen of the United States, who are now engaged in mining, raising, or washing gold upon that part of Scott's river lying between the first creek entering the same from the north above the town of Scott's bar and the mouth of said river, shall be permitted to hold and work the claims of which they are now in actual possession for the term of two years from the date of this instrument, unless sooner exhausted; and PROVIDED FURTHER, That such other citizens of the United States as have already thrown up earth or raised ore on any other part of said reserve shall be allowed until the first day of June next to wash the same, and that those having cabins or other improvements already erected on said reservation shall be permitted to occupy and enjoy the same, free from molestation until said first day of June, eighteen hundred and fifty-two, and no longer. It is also FURTHER PROVIDED, That the said tribes or bands shall never sell or alienate their right or claim to any part thereof except to the United States, nor shall they ever lease to or permit white men to settle, work, or trade upon any part thereof without the written permission of the United States Indian agent for the district. It is agreed and understood, however, that the United States reserves the right of way over said lands, and of using for farming purposes any quantity thereof not exceeding one thousand acres; also the right to establish such military post or posts, erect such buildings, and make such other improvements for the accommodation of an Indian agent and other officers or servants as the President may direct.

Art. 5. The said tribes or bands agree and hereby bind themselves to remove to and settle permanently upon said reservation, within two years from the date hereof, or sooner if thereto required by the Indian agent of the United States and whenever said removal and settlement shall take place, the United States with a desire to encourage them in acquiring a knowledge of letters, agriculture, and the mechanic arts, will employ and settle among them upon said reservation, one principal school-teacher, with three male and female assistant teachers to instruct said tribes in the different branches of a common-school education and in the domestic arts of sewing and house-keeping, upon the manual labor system; also one practical farmer who shall assist said tribes in cultivating the soil and act as superintendent of agricultural operations, with two assistant farmers, one carpenter or worker in wood who shall direct and aid in the construction of houses, repairing wagons, &c., and one blacksmith or worker in iron also to be employed for their assistance and convenience; all of the above teachers, farmers, and mechanics to be paid and maintained upon said reservation by the United States for the period of five years and as long thereafter as the President may deem advisable; also that the United States will erect suitable dwellings, school-house and shops for the accommodation of an agent, and of the teachers, farmers and mechanics above specified, and store-houses for the protection of the public property.

Art. 6 The United States will also appoint and settle among said tribes upon said reservation, an agent or sub-agent of the Indian department to carry out the stipulations of this treaty and the general laws and regulations of the Indian department pertaining to the government and improvement of said tribes; and until the United States shall have established a military post on or in the neighborhood of said reservation, with a regular physician or surgeon attached thereto, the United States Indian agent for the district shall be authorized, and is hereby directed to employ at the expense of the United States, an experienced physician to reside on said reservation, attend to the sick among either whites or Indians, and especially to vaccinate the members of each tribe, and when said military post shall be established, the services of the surgeon thereto attached may be substituted by said agent for those of the physician first employed, allowing him therefor a reasonable compensation.

Art. 7 To aid said tribes or bands in their subsistence while removing to and making their settlement upon said reservation, the United States, in addition to twelve head of beef cattle, twenty sacks (one thousand pounds) of flour, and numerous other presents of blankets, shirts, &c., given to them at this camp, will furnish them free of charge, during each of the years 1852 and 1853, with two hundred head of beef cattle, to average in weight five hundred pounds net, and two hundred sacks (equal to twenty thousand pounds) of flour, five hundred pair of two and a half point Mackinaw blankets, five hundred pairs strong pantaloons, five hundred cotton (hickory) shirts, five hundred red flannel shirts, six hundred linsey gowns for women, and girls, three thousand yards of calico, three thousand yards 4-4 brown sheetings, twenty-five pounds of Scotch thread, five thousand needles, assorted, one gross of thimbles, ten pounds of pins, twelve dozen scissors, fifty dozen common size butcher knives, five hundred pea-jackets of heavy, strong cloth, assorted, one thousand pounds of salt, one hundred hatchets, all to be distributed among them by the agent, according to their respective numbers.

Art. 8. As early as convenient after the ratification of this treaty by the President and Senate, and the settlement of said tribes or bands upon said reservation, the United States will also furnish them with twenty-four brood mares and one stallion, thirty milch cows and one bull, fifty sheep ten hogs (both sexes,) four yoke of work cattle, with yokes, chains, &c., two breaking ploughs, ten small ploughs, two ox wagons, one mule wagon, seeds of all proper kinds for sowing and planting, eight work mules or horses with harness, one hundred heavy spades, twelve mattocks, four hundred garden or corn hoes, two hundred chopping axes, common size, with handles, two hundred chopping axes, small size, with handles, two hundred sheetiron camp-kettles, first size, two hundred sheet-iron camp-kettles, second size four hundred tin pans, (two hundred large size, two hundred small size,) one set of black-smithing tools, one set of carpenter's tools, three thousand pounds of iron, five hundred pounds of steel, assorted, fifty dozen pint tin cups, fifty dozen tin plates, fifty dozen iron-lined spoons, three United States flags. The stock enumerated above, and the product thereof, together with the farming utensils and mechanical tools to be held as the joint property of said tribes or bands, the former to be marked or branded with such letters or marks as will at all times designate the same to be their property, and no part or portion thereof shall be killed, exchanged, sold, or otherwise parted with, without the assent and direction of the agent.

Art. 9. It is further agreed, that the United States will fence in with a good board or post and rail fence, preparatory to breaking up the soil for planting, one thousand acres of land; and if, by the year 1853, the said tribes or bands shall not be in a situation to provide themselves with food and clothing, and the agent for their district shall so recommend, the President, in his discretion, may order for their use, in the year 1854, a like or smaller quantity of the articles enumerated in article 7 to be provided for the years 1852 and 1853.

Art. 10. It is further understood and agreed that within the line of the reservation referred to and described in article 4, there shall be retained and set apart a belt or border of one mile in width on the eastern and southern sides or lines thereof, whereon it shall not be lawfull for either Indians or white men to settle on or remain, or to pass over except by the highways or roads running through the same, but the same shall be exclusively within the jurisdiction of the United States.

Art. 11. The said tribes, or bands hereby bind themselves to deliver up within sixty days from the date hereof, all horses, mules, or other property which may be in their possession, stolen from the whites, the claimants making proof of ownership before the agent or such person as he may designate to act in his absence, or before a magistrate or judge of the county of Shasta; all such property claimed but not clearly identified, to be returned to the Indians.

In testimony whereof, the parties have hereunto signed their names and affixed their seals, this fourth day of November, anno Domini eighteen hundred and fifty one.

For and in behalf of the O-de-i-leh tribe or band from The Upper Klamath River

I-SHACK, his X mark. (seal)
E-EH-NE-QUA, his X mark. (seal)
PI-O-KUKE, his mark. (seal)
SA-NAK-A-HA, his X mark. (seal)

For and in behalf of the Ko-se-tah tribe or band in Shasta valley:

TSO-HOR-GIT-SKO, his mark. (seal)
CHE-LE-NA-TUK, his X mark. (seal)

For and in behalf of the Ida-kar-i-waka-ha tribe or band in Shasta valley:

ADA-WAR-HOW-IK, his X mark. (seal)
IDA-KAR-I-WAK-A-HA, his X mark. (seal

For and in behalf of the wat-sa-he-wa tribe or band in Scott's valley:

AR-RATS-A-CHO-I-CA, his X mark. (seal)

For and in behalf of E-eh tribe or band in Scott's valley:

AN-KA-NIK-A-HOK, his X mark. (seal)
SUN-RISE, his X mark. (seal)

Signed, sealed and delivered, after being fully explained in presence of----

John McKee, Secretary.
George Gibbs,
Lindley Abel, Interpreters.
W.T. Smith
F. H. McKinney.
C. McDermit.
Samuel Fleming.
Walter McDonald.
C. Fulton.
Wm. H. Burgess.
Edward Hicks
William Dain.
L Swan.
Geo. W. Tait.

Exhibit 2

By His HONOUR

SPENCER PHIPS, Eſq;

Lieutenant-Governour and Commander in Chief, in and over His Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*.

A PROCLAMATION.

WHEREAS the Tribe of *Penobſcot* Indians have repeatedly in a perfidious Manner acted contrary to their ſolemn Submiſſion unto His Majeſty long ſince made and frequently renewed;

I have therefore, at the Deſire of the Houſe of Repreſentatives, with the Advice of his Majeſty's Council, thought fit to iſſue this Proclamation, and to declare the Penobſcot Tribe of Indians to be Enemies, Rebels and Traitors to his Majeſty King *GEORGE* the Second: And I do hereby require his Majeſty's Subjects of this Province to embrace all Opportunities of purſuing, captivating, killing and deſtroying all and every of the aforeſaid Indians.

AND WHEREAS the General Court of this Province have voted that a Bounty or Incouragement be granted and allowed to be paid out of the Publick Treaſury, to the marching Forces that ſhall have been employed for the Defence of the *Eaſtern* and *Weſtern* Frontiers, from the *Firſt* to the *Twenty-fifth* of this Inſtant *November*;

I have thought fit to publiſh the ſame; and I do hereby Promiſe, That there ſhall be paid out of the Province-Treaſury to all and any of the ſaid Forces, over and above their Bounty upon Inliſtment, their Wages and Subſiſtence, the Premiums or Bounty following, viz.

For every Male *Penobſcot* Indian above the Age of Twelve Years, that ſhall be taken within the Time aforeſaid and brought to *Boſton*, *Fifty Pounds*.

For every Scalp of a Male *Penobſcot* Indian above the Age aforeſaid, brought in as Evidence of their being killed as aforeſaid, *Forty Pounds*.

For every Female *Penobſcot* Indian taken and brought in as aforeſaid, and for every Male Indian Priſoner under the Age of Twelve Years, taken and brought in as aforeſaid, *Twenty-five Pounds*.

For every Scalp of ſuch Female Indian or Male Indian under the Age of Twelve Years, that ſhall be killed and brought in as Evidence of their being killed as aforeſaid, *Twenty Pounds*.

Given at the Council-Chamber in *Boſton*, this Third Day of *November* 1755, and in the Twenty-ninth Year of the Reign of our Sovereign Lord *GEORGE* the Second, by the Grace of GOD of *Great-Britain*, *France* and *Ireland*, KING, Defender of the Faith, *&c*.

By His Honour's Command,
J. Willard, Secr.

S. Phips.

GOD Save the KING.

Exhibit
3

THE

STATUTES OF CALIFORNIA,

PASSED AT THE

FIRST SESSION

OF THE

LEGISLATURE,

BEGUN THE 15th DAY OF DEC. 1849, AND ENDED THE 22d DAY OF
APRIL, 1850, AT THE CITY OF PUEBLO DE SAN JOSÉ.

WITH AN APPENDIX AND INDEX.

SAN JOSE:
J. WINCHESTER, STATE PRINTER.
[illegible]

out a new execution against the goods and estate of the prisoner, in like manner as if he had never been committed.

Plaintiff may discharge.

§ 11. The plaintiff in the action may at any time order the prisoner to be discharged, and he shall not thereafter be liable to imprisonment for the same cause of action.

Creditor of imprisoned debtor to advance money for his support.

§ 12. Whenever a person is committed to jail on an execution issued on a judgment recovered in a civil action, the creditor, his agent or attorney, shall advance to the jailor, within twenty-four hours after such commitment, sufficient money to pay for the support of said prisoner during the time for which he may be imprisoned, and in case the money should not be so advanced, or if, during the time the prisoner may be in confinement, the money should be expended in the support of such prisoner, and the creditor should neglect for twenty-four hours to advance such further sum as might be necessary for his support, the jailor shall forthwith discharge such prisoner from custody; and such discharge shall have the same effect as a discharge by order of the creditor.

Chap. 133.

AN ACT *for the Government and Protection of Indians.*

Passed April 22, 1850.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Jurisdiction of complaints by, for, and against Indians.

§ 1. Justices of the Peace shall have jurisdiction in all cases of complaints by, for, or against Indians, in their respective Townships in this State.

Indians to be permitted to reside on lands now occupied by them. Proviso.

§ 2. Persons and proprietors of lands on which Indians are residing, shall permit such Indians peaceably to reside on such lands, unmolested in the pursuit of their usual avocations for the maintenance of themselves and families: *Provided*, the white person or proprietor in possession of such lands may apply to a Justice of the Peace in the Township where the Indians reside, to set off to such Indians a certain amount of land, and, on such application, the Justice shall set off a sufficient amount of land for the necessary wants of such Indians, including the site of their village or residence, if they so prefer it; and in no case shall such selection be made to the prejudice of such Indians, nor shall they be forced to abandon their homes or villages where they have resided for a number of years; and either party feeling themselves aggrieved, can appeal to the County Court from the decision of the Justice: and then divided, a record shall be made of the lands so set off in the Court so dividing them, and the Indians shall be permitted to remain thereon until otherwise provided for.

Appeal.

Right of custody and control of Indian children during their minority.

§ 3. Any person having or hereafter obtaining a minor Indian, male or female, from the parents or relations of such Indian minor, and wishing to keep it, such person shall go before a Justice of the Peace in his Township, with the parents or friends of the child, and if the Justice of the Peace becomes satisfied that no compulsory means have been used to obtain the child from its parents or friends, shall enter on record, in a book kept for that purpose, the sex and probable age of the child, and shall give to such person a certificate, authorizing him or her to have the care, custody, control, and earnings of such minor, until he or she obtain the age of majority. Every male Indian shall be deemed to have attained his majority at eighteen, and the female at fifteen years.

At what age to attain majority.

Penalty for improper treatment of Indian child by person having the custody thereof.

§ 4. Any person having a minor Indian in his care, as described in the foregoing Section of this Act, who shall neglect to clothe and suitably feed such minor Indian, or shall inhumanly treat him or her, on conviction thereof shall be subject to a fine not less than ten dollars, at the discretion of a Court or Jury; and the Justice of the Peace, in his discretion, may place the minor Indian in the care of some other person, giving him the same rights and liabilities that the former master of said minor was entitled and subject to.

Hiring of Indians—how effected.

§ 5. Any person wishing to hire an Indian, shall go before a Justice of the Peace with the Indian, and make such contract as the Justice may approve, and the Justice shall file such contract in writing in his office, and all contracts so made shall be binding between the parties; but no contract between a white man and an Indian, for labor, shall otherwise be obligatory on the part of an Indian.

§ 6. Complaints may be made before a Justice of the Peace, by white persons or Indians; but in no case shall a white man be convicted of any offence upon the testimony of an Indian, or Indians. And in all cases it shall be discretionary with the Court or jury after hearing the complaint of an Indian.

Complaints by white persons or Indians. No conviction on testimony of Indian.

§ 7. If any person forcibly conveys any Indian from his home, or compels him to work, or perform any service against his will, in this State, except as provided in this Act, he or they shall, on conviction, be fined in any sum not less than fifty dollars, at the discretion of the Court or jury.

Penalty for abduction of Indians or forcing them to work.

§ 8. It shall be the duty of the Justices of the Peace, once in six months in every year, to make a full and correct statement to the Court of Sessions of their county, of all moneys received for fines imposed on Indians, and all fees allowed for services rendered under the provisions of this Act; and said Justices shall pay over to the County Treasurer of their respective counties, all money they may have received for fines and not appropriated, or fees for services rendered under this Act; and the Treasurer shall keep a correct statement of all money so received, which shall be termed the "Indian Fund" of the county. The Treasurer shall pay out any money of said funds in his hands, on a certificate of a Justice of the Peace of his county, for fees and expenditures incurred in carrying out the provisions of this law.

Justices to report to sessions moneys received for fines of Indians, and all fees received, and pay over same.

Indian fund.

§ 9. It shall be the duty of Justices of the Peace, in their respective townships, as well as all other peace officers in this State, to instruct the Indians in their neighborhood in the laws which relate to them, giving them such advice as they may deem necessary and proper; and if any tribe or village of Indians refuse or neglect to obey the laws, the Justice of the Peace may punish the guilty chiefs or principal men by reprimand or fine, or otherwise reasonably chastise them.

Indians to be instructed in laws relating to them. Indians refusing to obey laws may be punished.

§ 10. If any person or persons shall set the prairie on fire, or refuse to use proper exertions to extinguish the fire when the prairies are burning, such person or persons shall be subject to fine or punishment, as a Court may adjudge proper.

Setting fire to prairie or not aiding to extinguish it when on fire.

§ 11. If any Indian shall commit an unlawful offence against a white person, such person shall not inflict punishment for such offence, but may, without process, take the Indian before a Justice of the Peace, and on conviction, the Indian shall be punished according to the provisions of this Act.

Offences by Indians against white persons.

§ 12. In all cases of trial between a white man and an Indian, either party may require a jury.

Jury trial may be demanded.

§ 13. Justices may require the chiefs and influential men of any village to apprehend and bring before them or him any Indian charged or suspected of an offence.

Chiefs may be required to apprehend Indian charged with an offence.

§ 14. When an Indian is convicted of an offence before a Justice of the Peace punishable by fine, any white person may, by consent of the Justice, give bond for said Indian, conditioned for the payment of said fine and costs, and in such case the Indian shall be compelled to work for the person so bailing, until he has discharged or cancelled the fine assessed against him: *Provided*, the person bailing shall treat the Indian humanely, and clothe and feed him properly; the allowance given for such labor shall be fixed by the Court, when the bond is taken.

Indians sentenced to pay fine may be compelled to work out fine and costs.

§ 15. If any person in this State shall sell, give, or furnish to any Indian, male or female, any intoxicating liquors (except when administered in sickness), for good cause shown, he, she, or they so offending shall, on conviction thereof, be fined not less than twenty dollars for each offence, or be imprisoned not less than five days, or fined and imprisoned, as the Court may determine.

Penalty for furnishing intoxicating liquors to Indians.

§ 16. An Indian convicted of stealing horses, mules, cattle, or any valuable thing, shall be subject to receive any number of lashes not exceeding twenty-five, or shall be subject to a fine not exceeding two hundred dollars, at the discretion of the Court or Jury.

Punishment of Indians convicted of stealing.

§ 17. When an Indian is sentenced to be whipped, the Justice may appoint a white man, or an Indian at his discretion, to execute the sentence in his presence, and shall not permit unnecessary cruelty in the execution of the sentence.

Sentence of whipping—how executed.

§ 18. All fines, forfeitures, penalties recovered under or by this Act, shall be paid into the treasury of the county, to the credit of the Indian Fund as provided in Section Eight.

All fines, &c., to be paid into treasury.

Fee to Justice for confirming contracts with Indians.

§ 19. All white persons making application to a Justice of the Peace, for confirmation of a contract with or in relation to an Indian, shall pay the fee, which shall not exceed two dollars for each contract determined and filed as provided in this Act, and for all other services, such fees as are allowed for similar services under other laws of this State. *Provided*, the application fee for hiring Indians, or keeping minors, and fees and expenses for setting off lands to Indians, shall be paid by the white person applying.

Able bodied Indians begging, &c., to be hired out to work.

§ 20. Any Indian able to work and support himself in some honest calling, not having wherewithal to maintain himself, who shall be found loitering and strolling about, or frequenting public places where liquors are sold, begging, or leading an immoral or profligate course of life, shall be liable to be arrested on the complaint of any resident citizen of the county, and brought before any Justice of the Peace of the proper county, Mayor or Recorder of any incorporated town or city, who shall examine said accused Indian, and hear the testimony in relation thereto, and if said Justice, Mayor, or Recorder shall be satisfied that he is a vagrant, as above set forth, he shall make out a warrant under his hand and seal, authorizing and requiring the officer having him in charge or custody, to hire out such vagrant within twenty-four hours to the best bidder, by public notice given as he shall direct, for the highest price that can be had, for any term not exceeding four months; and such vagrant shall be subject to and governed by the provisions of this Act, regulating guardians and minors, during the time which he has been so hired.

Application of money received for his hire.

The money received for his hire, shall, after deducting the costs, and the necessary expense for clothing for said Indian, which may have been purchased by his employer, be, if he be without a family, paid into the County Treasury, to the credit of the Indian fund. But if he have a family, the same shall be appropriated for their use and benefit:

Proviso.

Provided, that any such vagrant, when arrested, and before judgment, may relieve himself by giving to such Justice, Mayor, or Recorder, a bond, with good security, conditioned that he will, for the next twelve months, conduct himself with good behavior, and betake to some honest employment for support.

Chap. 134.

Repealed 4 1853. 179.

AN ACT *to fix the Compensation of County Judges and Associate Justices of the Court of Sessions.*

Passed April 22, 1850.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Salaries of county judges.

New act 2 1853, 179.

§ 1. The County Judges of the several counties in this State, shall receive for their services, annually, the following sums:

1st. Of the County of San Francisco, $6,000.

2d. Of the County of Sacramento, $5,000.

3d. Of the counties of Eldorado, Tuolumne, Santa Clara, Contra Costa, and Calaveras, each $4,000.

4th. Of the Counties of Sutter, Yuba, Mariposa, Santa Cruz, Monterey, and San Joaquin, each $3,000.

5th. Of the Counties of Los Angeles and Solano, each $2,500.

6th. Of the Counties of Sonoma and Napa, each $2,000.

7th. Of the Counties of Santa Barbara, Marin, Mendocino, Colusi, Trinity, and San Diego, each $1,500.

8th. Of the Counties of Buto and Shasta, each $2,000.

9th. Of the County of San Luis Obispo, $1,000.

Salaries—how paid.

§ 2. The salary of each County Judge shall be paid out of the County Treasury, in quarterly payments, to be made on the first days of January, April, July, and October, of each year.

Exhibit 4

THE EIGHTEEN UNRATIFIED TREATIES OF 1851-1852 BETWEEN THE CALIFORNIA INDIANS AND THE UNITED STATES GOVERNMENT

by

Robert F. Heizer

Archaeological Research Facility
Department of Anthropology
University of California
Berkeley, CA. 94720

1972

Exhibit 4

For and in behalf of the Mas-su-ta-ka-ya tribe.

CAL-PEL-LA, his x mark. [SEAL.]

CAL-LEEL-TEM, his x mark. [SEAL.]

POR-DIM, his x mark. [SEAL.]

For and in behalf of the Po-mo tribe.

CHI-BEM, his x mark. [SEAL.]

Signed, sealed and delivered in the presence of the undersigned witnesses; the above-mentioned articles, and the several articles and stipulations of the treaty of Camp Lu-pi-yu-ma, having been first fully explained.

John McKee, Secretary.

George Gibbs, } Interpreters.
George Whitehorn, }

H. W. Wessels, Brevet major U. S. A. commanding escort.

John S. Griffin, Assistant Surgeon U. S. army.

Edward C. Kennedy.

Walter McDonald.

James A. Clarke.

Sashel Woods.

George Parker Armstrong.

(Q.)

TREATY MADE AND CONCLUDED AT CAMP KLAMATH, AT THE JUNCTION OF KLAMATH AND TRINITY RIVERS, STATE OF CALIFORNIA, OCTOBER 6, 1851, BETWEEN REDICK McKEE, INDIAN AGENT, ON THE PART OF THE UNITED STATES, AND THE CHIEFS, CAPTAINS AND HEAD MEN OF THE POHLIK OR LOWER KLAMATH, &c., TRIBES OF INDIANS.

. . . .

ART. 4. To promote the settlement and improvement of said tribes or bands, it is hereby stipulated and agreed, on the part of the United States, that the following tract or district of land shall be appropriated and set apart as an Indian reservation, and the use and possession thereof forever guarantied to the said tribes, their successors, and to such other tribes as the United States may hereafter remove from other parts of the valleys of the Trinity or Klamath rivers, or the country adjacent, and settle thereupon, to wit: commencing at the mouth of a stream called John's creek, emptying into Trinity river on the north side thereof, about fourteen miles above this camp; thence running up the middle of the same with its windings, to a distance of five miles; thence north to the summit of the dividing ridge between the waters of the Trinity and Klamath rivers; thence northwestwardly in a straight line to a point on said Klamath river opposite the lower end of what is now known as "Red Cap's bar; thence due west to the summit of the first ridge lying beyond the Klamath river; thence southwestwardly along the summit of said ridge to a point due north of the mouth of Pine creek; thence south to the mouth of Sand creek; thence up Pine creek with its windings, to a point due south of the place of beginning; and thence north to said place of beginning. The said reservation including, by estimation, a tract twenty miles in length by twelve miles in width, and containing in all six or seven square miles of farming land. It is, however, understood and agreed that the United States reserves the right of way over said lands, and of using for farming purposes any quantity thereof not exceeding one thousand acres; also the right to establish such military posts, erect such buildings, WUS-SUR, his x mark. [SEAL.]

UP-PER-GASH, his x mark. [SEAL.]

For and in behalf of the Ser-a-goines.

UP-LA-GO-PUS, his x mark. [SEAL.]

MOO-ROO-KUS, his x mark. [SEAL.]

SA-ET-MA-GEHL, his x mark. [SEAL.]

For and in behalf of the Pak-wan tribe.

CAP-PEL-LA-WAH, his x mark. [SEAL.]

For and in behalf of the Ut-cha-pah tribe, living near the mouth of Bluff creek.

E-NE-NUCK, his x mark. [SEAL.]

MOW-WEIGHT, his x mark. [SEAL.]

For and in behalf of the Up-pa-goines, living near "Red Cap's" bar, on Klamath river.

KEE-CHAP, his x mark. [SEAL.]

RED CAP or MIK-KU-REE, his x mark. [SEAL.]

For and in behalf of the Sa-von-ra tribe.

SA-VON-RA, his x mark. [SEAL.]

UP-PA-GRAH, his x mark. [SEAL.]

EX-FIN-E-PAH, his x mark. [SEAL.]

For and in behalf of the Cham-ma-ko-nee tribe.

KA-TOP-KO-RISH, his x mark. [SEAL.]

and make such improvements for the accommodation of their agent and other officers or servants as the President may direct; also that said tribes or bands shall never sell or alienate their right or claim to any part thereof, except to the United States, nor shall they ever lease to or permit white men to settle, work or trade upon any part thereof without the written permission of the United States Indian agent for the district.

. . . .

In testimony whereof the parties have hereunto signed their names and affixed their seals this sixth day of October, anno Domini 1851.

REDICK McKEE, [SEAL.]

United States Indian Agent for California.

For and in behalf of the Wetch-peck tribe, living at mouth of Trinity.

WUCK-UG-GRA, his x mark. [SEAL.]

WA-PE-SHAW, his x mark. [SEAL.]

SA-SA-MICH, his x mark. [SEAL.]

EN-QUA or AMOS, his x mark. [SEAL.]

For and in behalf of Wuh-si tribe, living three miles below mouth of Trinity river.

MO-RU-KUS, his x mark. [SEAL.]

For and in behalf of the Cap-pel tribe.

MAH-ON, his x mark. [SEAL.]

For and in behalf of the Mor-ri-ahs.

MAH-ON, his x mark. [SEAL.]

A TREATY SUPPLEMENTARY TO THE FOREGOING TREATY.

The undersigned chiefs, captains, and head men of the Si-wah, Op-pe-o, He-ko-neck and In-neck tribes or bands of Indians, residing at and near to the mouth of the Cor-a-tem or Salmon river, having had the terms and stipulations of the foregoing treaty, concluded at Durkee's ferry on the 6th instant, fully explained to them by Redick McKee, Indian agent of the United States, having expressed an earnest desire to become parties to the said treaty in all its articles and stipulations, it is therefore agreed by and between the said agent and the said chiefs, &c., that the said bands be and hereby are admitted as parties to the same, and to the advantages thereof, and become bound by the stipulations therein contained as fully in all respects as if they had been parties thereto originally.

In testimony whereof the parties have hereunto signed their names and affixed their seals at Camp Cor-a-tem, near mouth of Salmon river, this twelfth day of October, anno Domini, 1851.

REDICK McKEE, [SEAL.]
United States Indian Agent.

For and in behalf of the Si-wah band.

ESSE-PISH-I-A, his x mark. [SEAL.]
RES-SOW, his x mark. [SEAL.]
CHEE-FEE-CHA, his x mark. [SEAL.]
PI-RA-TEEM, his x mark. [SEAL.]

For and in behalf of the Coc-ko-man tribe.

PA-NA-MO-NEE, his x mark. [SEAL.]

For and in behalf of the Chee-nah tribe, living ten miles below mouth of Salmon river.

AK-KA-REE-TA, his x mark. [SEAL.]

For and in behalf of the Hoo-pahs or Trinity river Indians, residing in twelve rancherias or villages.

Principal Chief, AH-ROOK-KOS, his x mark. [SEAL.]

TE-NAS-TE-AH or JOHN, his x mark. [SEAL.]

MET-POOKA-TA-MAH, his x mark. [SEAL.]

NIC-A-WA-EN-NA, his x mark. [SEAL.]

WASH-TEN, his x mark. [SEAL.]

Signed, sealed and delivered, after being duly explained, in presence of --

John McKee, Secretary.

C. W. Durkee,
George Gibbs, } Interpreters.

H. W. Wessells, Brevet Major, U. S. A., commanding escort.

Walter Van Dyke,
Geo. W. Ellsworth,
Morris S. Thompson, } Interpreters.

Walter McDonald.

Exhibit 5

GEORGE GIBBS' JOURNAL OF REDICK McKEE'S EXPEDITION THROUGH NORTHWESTERN CALIFORNIA IN 1851

Edited and with annotations by
Robert F. Heizer

ARCHEOLOGICAL RESEARCH FACILITY
Department of Anthropology
University of California
Berkeley
1972

distance in either direction. Two trees, one trimmed in the form of a cross, the other with merely a tuft on the top, represent each lodge; and in time of danger or of death, a fire kindled beneath them, informs the neighboring tribes of the necessity or misfortune of its occupants. 60

Sunday, Oct. 12th.—We remained in camp for the purpose of treating with the rest of the bands belonging to this division of the Klamath. They do not seem to have any generic appellation for themselves, but apply the terms "Kahruk," up and "Youruk," down, to all who live above or below themselves, without discrimination, in the same manner that the others do "Peh-tsik," and "Poh-lik." 61 The name Quoratem, that of one of the bands on the Salmon river, and frequently used for the river itself, appears to be a suitable one to designate the dialect of the middle section and those speaking it. The language extends on the Klamath from Bluff creek to a considerable distance above here; according to some reports, to the Eenah-met, or Clear creek, between thirty and forty miles further up, and on the Salmon to the principal forks. Higher on the main river, the prevailing language is the Shasté, and on the Salmon is said to be one of those used on the Trinity.

It was proposed to bring the whole of these into the reserve on the Trinity; leaving the Shasté, upper Klamath, and upper Trinity Indians, to fall within that intended to be established above; and a treaty, supplemented to that at Durkee's ferry, was accordingly concluded on that basis. Four bands, the Sche-woh, Oppe-yoh, Eh-qua-nek, and Eh-nek, were present, numbering in all probably 250 souls. The total number of the Quoratems may perhaps be set down at 600 or 700. 62 They are very much scattered, some of their villages having been burnt. On the Salmon river, for instance, there are said to be now not more than fifty below the forks. No difference, except in language, is noticeable between these and the lower Indians; and intermarriages frequently take place among them.

Monday, Oct. 13th.—To-day our route lay along the bank, occasionally crossing small bottoms, for about six miles. Here the river made a large bend, to avoid which the trail passed over the mountain. Another, also much travelled by packers, crosses the Klamath about a mile beyond, and follows the east bank for sixteen or eighteen miles, when it recrosses and joins that on the west side. Continuing on, over high spurs, we descended again to the river, and found camp after a march of twelve miles. A portion of the road was dangerous, and one mule rolled down with his pack, but was recovered.

Tuesday, Oct. 14th.—The trail followed the same general southerly course as yesterday, gradually diverging from the river, which, five or six miles from camp, makes another bend to the eastward. Here we again ascended, passing over high

Exhibit 6

See

Exhibit 1

Exhibit 7

tract which would afford sufficient hunting and fishing grounds for the expected population, and which should leave the most valuable mineral lands to the whites. As regarded the first object, a portion of the Klamath was essential for the fishery, and the northern boundary was therefore extended across it to the Oregon line, which, was supposed, could not be far distant. As respects the latter, it was believed tha with the exception of the lower portion of Scott's river, the most valuable diggings la upon Humbug creek, and eastward, including the Shasté valley; and these wer therefore avoided. The earth already thrown up in the hills of Scott's valley woul be washed out in the course of the winter, and no loss would therefore ensue to the miners there, the first of June being fixed as the period of occupancy. As to Scott's bar, and the river from thence to the mouth, they would probably be exhausted in a year; but that no real ground of complaint should be left, two years were stipulated for working them. The details of the "reserve" in other respects, will be seen from the accompanying map.

Into this reservation it was proposed to collect all the tribes on the Klamath, Scott's, and Shasté rivers, speaking the Shasté tongue, and also those of the upper Trinity river. A census of these was attempted, but the chiefs present were unable to proceed in arithmetic as far as the number of souls under them. They, however, gave that of "grounds" or villages, as follows:— 72

On the Klamath, the O-de-eilah tribe, at 24 grounds.
In Shaste valley, the Ika-ruck, Kose-tah, and Ida-ka-riúke, at } 19 "
In Scott's valley, the Watsa-he-wa, and E-eh, at } 7 "

Affording a total of fifty grounds or villages, averaging, as was supposed, sixty souls each, or three thousand in all; in addition to which the Trinity Indians, it was calculated, would furnish another thousand, or perhaps fifteen hundred.

The reserve, though the only one that could be made, taking into consideration the rights and necessities of the Indians, of course was unsatisfactory to some of the miners and settlers. In fact, without sacrificing the former entirely, it was impossible to select a district which would not interfere with the interests of adventurers among the whites. Those who had taken claims with a view to permanent residence, (which in general means a residence of one or two years, a long period in California,) and cultivation of the soil, and who had erected rude improvements thereon, naturally viewed the selection of the agent with feelings of particular disappointment. Many of them had purchased preëmptions or claims from others at high prices, and no idea seemed to have been entertained that the land would not be open to settlement, and that the same rights would not be granted them, as had been given to the emigrants to Oregon. At the same time a laudable spirit of acquiescence in the necessity

Exhibit 8

KARUK TRIBE OF CALIFORNIA
Chairmans Office
P.O. Box 265
Orleans, California 95556
Phone (916) 627-3297

RECEIVED

TO: All Karuk Tribal Members
Siskiyou County Indian Association
515 North Foothill Drive
Yreka, California 96097

RE: Discontinuance of Representation from Siskiyou County Indian Association on the Interim Governing Committee of the Karuk Tribe of California

DATE: August 2, 1982

To alleviate any possible misunderstandings concerning the recent action of the Interim Committee, I would like to explain the reasoning behind such action and the future participation of our Yreka area Tribal members:

I. The action was taken as a step to protect our inherent sovereign rights in the areas that effect those Karuks residing within aboriginal boundaries. There are many important issues facing the Tribe at this time, such as hunting and fishing rights, water rights, land claims and Tribal jurisdiction of aboriginal territory. These things are the basis of our federal recognition and unless protected, termination is eventually inevitable. We must not only think of the presen time, but also of our future generations. A solid foundation must be restructured to provide cultural stability for our children.

II. While protecting our inherent rights, we also want to meet the servic needs of our members. Therefore, program services will contunue to be supplied through S.C.I.A. for the needs of our Yreka area members. S.C.I.A. will continue to desiminate information on new developments of Tribal operations and services available.

III. Yreka area Karuks are invited to join the Happy Camp or Orleans Tribal Councils to insure representation on the Interim Committee and to be an eligible voting member. The pertinent revisions will be made in the proposed Constitution in Washington D.C. due to the discontinuance of the Yreka district. We have been advised by the Bureau of Indian Affairs that the half-blood criteria will be arriving from Washington at the end of this month. At that time, if the half-bloods sign over their interest in the 6.6 acres in Orleans, the proposed constitutional election will be scheduled.

A meeting of all Tribal members will be held in the near future. All Karuk people with a concern for the well-being of our tribe are urged to attend. Your understanding and support will help to make us, once again, a strong Karuk Nation.

Sincerely,

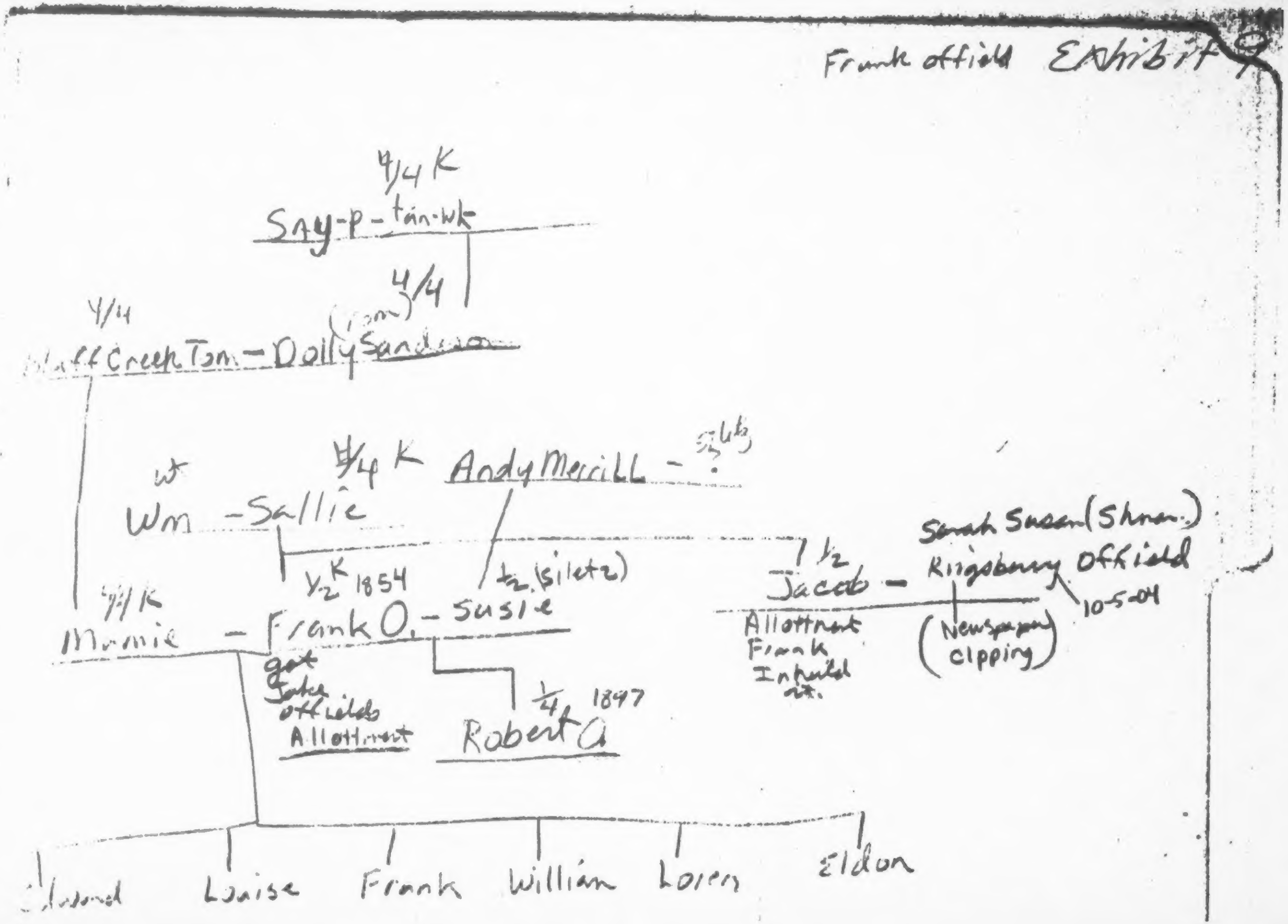
Harold C. Tripp

Harold Tripp, Chairman
KARUK TRIBE OF CALIFORNIA

cc Happy Camp Tribal District Council

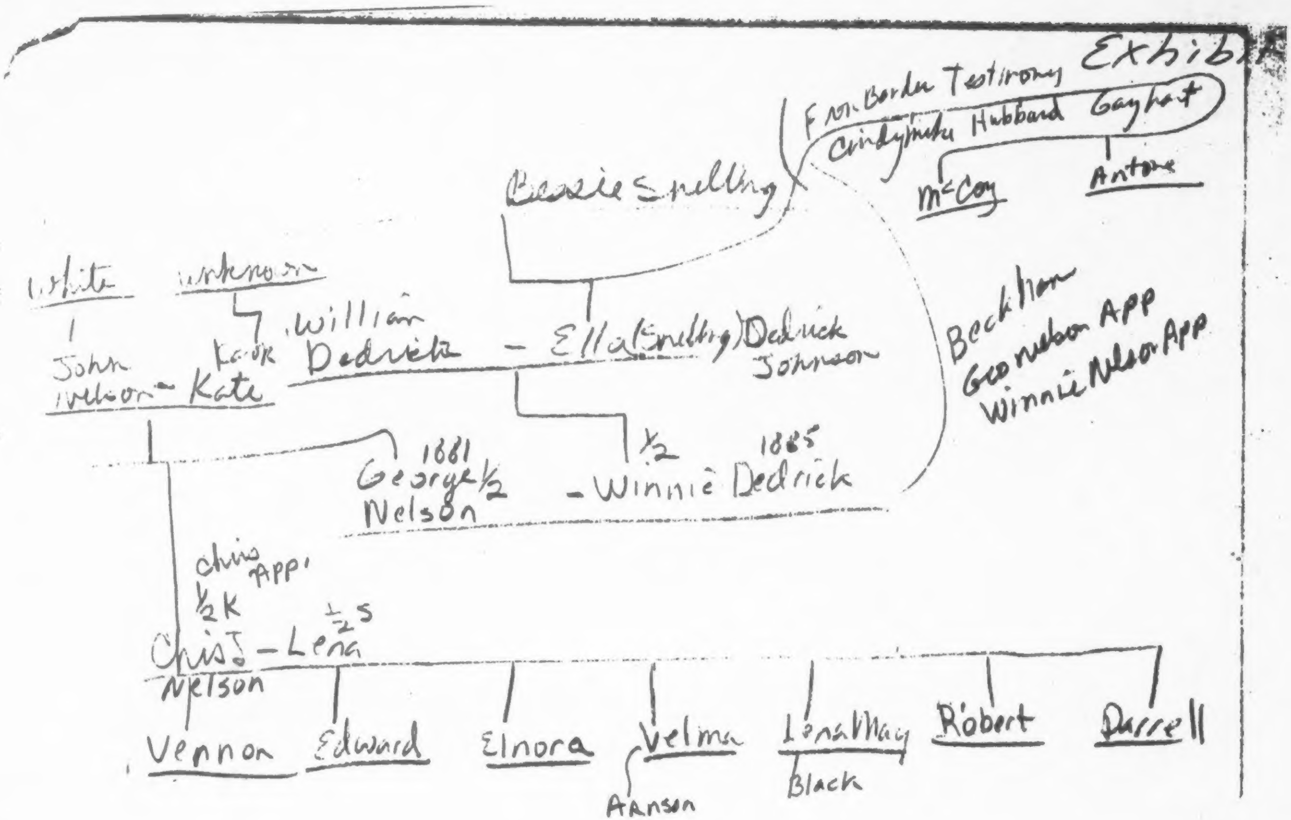
Orleans Tribal District Council

HT:rt



Frank offield Exhibit

4/4 K
Say-p-tan-wk
4/4
(Tom)
4/4
Creek Tom - Dolly Sanders
4/4 K
Andy Merrill - ?
wt
Wm - Sallie
1/2 K 1854
1/2 (siletz)
4/4 K
Mamie - Frank O. - Susie
got Jake offields Allotment
1/4 1847
Robert A
1/2
Jacob - Sarah Susan (Shnee) Kingsbury Offield
10-5-04
Allottment Frank Inherited it.
(Newspaper clipping)
Louise
Frank
William
Loren
Eldon


Exhib
F. M. Borden Testimony
Cindymiku Hubbard Gayhart
McCoy
Antone
Bessie Snelling
Beckham
Geo Nelson APP
Winnie Nelson APP
White
unknown
John
Nelson - Kate
Kaok
William
Dedrick - Ella (Snelling) Dedrick
Johnson
1881
George ½
Nelson
½
1885
- Winnie Dedrick
Chris
APP
½ K
½ S
Chris - Lena
Nelson
Vennon
Edward
Elnora
Velma
Aanson
Lena May
Black
Robert
Darrell

SHASTA NATION

Shasta Nation
P.O. Box 1054
Yreka, Ca. 96097

Oct. 24, 1988

Memorandum

Re:Estate of
Julius Bender
IBIA 87-19

To: Kathryn A. Lynn, Acting Chief Judge
Interior Board of Indian Appeals
Arlington, VA.

From: Betty L. Hall, Enrollment Clerk
Researcher, & keeper of Records
for Shasta Nation

Subject: Estate of Julius Bender

Enclosed are recently accpuired documents to establish the fact that Mr. William Law committed perjury when he gave testimony to be entered into the record, at a hearing held by Judge William E. Hammett, at Yreka, Ca.

Mr. William Law stated that he had visited his mother, Lucinda Mike, at the Bender Estate, during the "latter" ten years of Julius Benders life. This time period would have been between 1957 to 1967. Lucinda Mike was deceased 20 years prior to 1957, and she was not Mr. Law's Mother, as he stated. See Lucinda Mike's death certificate.

Mamie (Scott) Law was his Mother, and she names among her children Mr. William Law as her son on her enrollment Appl. #3120. Also please note:

#3 does not live on trust land

#9 Husband a Rogue River Indian. (William Laws Father)

#23 Never allotted

#25 No Property

page 6, Witnessed by Winnie Nelson

Enclosed are death certificates of two brothers, and one sister of Mr. William Law.

Death certificate of Annie Law, She died February 16, 1927 Father: David Lawe - born at Jacksonville, Oregon. (a longways from Bender Estate.)

Mother: Mamie Scott - born at Hamburg, Ca. about 50 to 60
miles from the Bender Estate.

Death Certificate of George Casey Lawe
Father: David Law
Mother: Mamie Scott

Death certificate of Johnnie Lawe
Father: David Lawe - Jacksonville, Oregon
Mother: Mamie Scott Hamburg, Ca.

Mamie Scott listed these people as her children on her enrollment application along with William Law.

I believe Mr. William Law committed perjury when he gave testimony to establish Lucinda Mike as his Mother, to get himself named as heir along with the others.

I believe Alpha Omega ~~George~~ Vaughn Templeton is truly the rightfull sole heir of the Julius Bender Estate.

Sincerely yours,

Betty L. Hall

Betty L. Hall
Enrollment Clerk
Historian & Keeper of Records

cc: Caraway George

SHASTA NATION

Shasta Nation
P.O. Box 1054
Yreka, Ca. 96097

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Sincerely yours,

Betty L. Hall

Betty L. Hall
Enrollment Clerk
Historian & Keeper of Records

cc: Caraway George

INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VIRGINIA 22203

ESTATE OF JULIUS BENTER (BENDER)

IBIA 87-19 Decided January 21, 1987

Petition for reopening referred to the Board of Indian Appeals by Administrative Law Judge William E. Hammett.

Docketed and remanded.

1. Indian Probate: Reopening: Generally—Indian Probate: Reopening: Standing to Petition for Reopening

> Because there is no statutory or regulatory proscription against the filing of a petition to reopen a closed Indian probate proceeding after the entry of a Federal court decision or order in the estate, Administrative Law Judges have authority to consider such petitions under 43 CFR 4.242. However, in addition to meeting the standing requirements of 43 CFR 4.242 and showing that the cause of action was pursued with due diligence, the petitioner must also show that the petition is not barred by the entry of the appellate decision.

APPEARANCES: Caraway George, pro se and for petitioners.

OPINION BY ACTING CHIEF ADMINISTRATIVE JUDGE LYNN

On December 16, 1986, Administrative Law Judge William E. Hammett received a petition to reopen the estate of Julius Benter (Bender) (decedent). The petition was filed by Caraway George, for himself and for Vermal G. Ryckeley, Fern A. Stone, and Alpha O. Templeton (petitioners). Because he questioned his authority to consider the petition under the particular circumstances of this case, Judge Hammett referred the petition to the Board of Indian Appeals (Board) for disposition in accordance with its broader authority to exercise the inherent authority of the Secretary in Indian probate matters. The petition and Judge Hammett's office copy of the earlier probate proceedings were received by the Board on December 23, 1986. The case is hereby docketed under the above case name and number. For the reasons discussed below, the Board concludes that the Judge does have authority to consider the petition, and remands the petition to him for appropriate disposition.

Background

Decedent, a Wintun-Shasta Indian, Redding Allottee No. 551, died on September 16, 1967, at the age of 82 years. He was unmarried at the time of his death, and had no surviving children, parents, siblings, or issue of deceased siblings. He had executed a document designated a Last Will and Testament on August 20, 1951.

Following extensive hearings held by Administrative Law Judge Alexander H. Wilson, decedent was found to have been mentally retarded and legally incompetent. The principal beneficiary under his will was furthermore found to have been his court-appointed guardian. Because of extensive participation in the preparation of the will by the principal beneficiary, who was in a confidential relationship with the testator, Judge Wilson disapproved the will on the grounds that the will proponent had not met his burden of disproving the presumption of undue influence arising from the facts of the case. See, e.g., Estate of Charles Webster Hills, 13 IBIA 188, 92 I.D. 304 (1985).

Two families claimed to be decedent's closest relatives. Judge Wilson based his heirship determination on his perception of the credibility of the witnesses.

Separate appeals were taken to the Board from Judge Wilson's decision by the will proponent, and the family found not to be decedent's closest relatives. The decision was affirmed on appeal. Estate of Julius Benter, 1 IBIA 24 (1970), reconsideration denied, 1 IBIA 59 (1971). This decision was appealed to Federal court, apparently only by the will proponent. The appeal was dismissed upon stipulation of the parties. Brazie v. Morton, No. S-2360 (E.D. Cal. Dec. 28, 1972).

By order dated January 17, 1975, Judge Hammett reopened the estate for the limited purpose of correcting the number of persons found to be decedent's heirs and their respective shares in the estate. Reopening was based upon a petition showing that one of the persons determined to be an heir of decedent had siblings who were not made known to Judge Wilson.

The present petition to reopen was filed with Judge Hammett on December 16, 1986, more than 10 years after this estate was closed. Because of the actions taken in this matter by the Board and Federal court, Judge Hammett questioned his authority to consider a petition for reopening seeking to reverse the determination of heirs. He, therefore, referred the petition to the Board for the exercise of its broader authority in Indian probate matters. 43 CFR 4.320. The Board has expedited this case on its own motion and issues this decision without additional filings by the parties.

Discussion and Conclusions

Petitions to reopen Indian probate proceedings that have been closed for more than 3 years are governed by 43 CFR 4.242(h), which states:

> If a petition for reopening is filed more than 3 years after the entry of a final decision in a probate, it shall be allowed only upon a showing that a manifest injustice will occur; that a reasonable possibility exists for correction of the error; that the petitioner had no actual notice of the original proceedings; and that petitioner was not on the reservation or otherwise in the

> vicinity at any time while the public notices were posted. A denial of such petition may be made by the administrative law judge on the basis of the petition and available Bureau records. No such petition shall be granted, however, unless the administrative law judge has caused copies of the petition and all other papers filed by the petitioner to be served on those persons whose interest in the estate might be adversely affected by the granting of the petition, and after allowing such persons an opportunity to resist such petition by filing answers, cross petitions or briefs as provided in (c) of this rule.

In addition, because reopening closed estates after the 3-year regulatory limitation has always been viewed as an exercise of discretionary authority, the petitioner must show that due diligence was exercised in pursuing the cause of action. This due diligence requirement was extensively reviewed and reaffirmed in Estate of Woody Albert, 14 IBIA 223 (1986). 1/

This case presents the more novel situation in which not only is the estate closed because a decision was rendered by an Administrative Law Judge, but it has also been before both the Board and a Federal district court. A similar situation arose in the Estate of Albin (Alvin) Shemamy. In that estate, the Administrative Law Judge's decision was affirmed by the Board, 7 IBIA 70 (1978); by a district court, Longhat v. Andrus, No. CIV 78-0929-D (W.D. Okla. Dec. 31, 1979); and by a circuit court, No. 80-1171 (10th Cir. Feb. 16, 1982). A petition for reopening was filed in 1984, which directly challenged the validity of the affirmances by attacking the adequacy of the record developed during probate of the estate, upon which the affirmances were based. The Administrative Law Judge denied reopening, and the Board affirmed without commenting on the authority of the Judge to consider the petition. Estate of Albin (Alvin) Shemamy, 13 IBIA 258 (1985).

[1] Under the Department's present regulations, authority to consider petitions to reopen Indian probate proceedings rests with the Administrative Law Judges. 43 CFR 4.242. Although it is anticipated that few petitions to reopen will be filed after the entry of Federal court orders or decisions, there is no statutory or regulatory proscription against the filing of petitions to reopen at that time. Therefore, the Administrative Law Judges have jurisdiction to consider such petitions. However, the Department of the Interior does not have authority to overturn Federal court decisions. Therefore, in addition to meeting the requirements of 43 CFR 4.242 and showing due diligence, the petitioner must also show that the petition is not barred by the

---

1/ The Board notes that petitioners may have difficulty showing they pursued their cause of action with due diligence. Petitioners were put on notice in 1967 that the state was inquiring about decedent as an individual who may have died without a will. Lead petitioner Caraway George knew that decedent was of his grandparents' generation. Petitioners have presented no justification for the lapse of almost 20 years before taking any action to inquire about this estate. See Estate of Katie Crossguns, 10 IBIA 141 (1982); Estate of Josephine Bright Fowler, 8 IBIA 201 (1980).

entry of the appellate decision. In determining whether the petition is barred, the Administrative Law Judge must be guided by recognized legal principles, including but not limited to res judicata and laches.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, the Board finds that Judge Hammett has authority to consider this petition for reopening and remands the petition to him for such consideration.

Kathryn A. Lynn
Kathryn A. Lynn
Acting Chief Administrative Judge

I concur:

Anita Vogt
Anita Vogt
Administrative Judge

United States Department of the Interior
OFFICE OF HEARINGS AND APPEALS
2020 Hurley Way, Suite 150
SACRAMENTO, CA 95825

December 16, 1986

Memorandum

To: Kathryn A. Lynn, Acting Chief Judge
Interior Board of Indian Appeals
Arlington, VA

From: William E. Hammett, Administrative Law Judge
Sacramento, CA

Subject: Estate of Julius Benter

Enclosed is a file folder containing a petition to reopen with accompanying affidavits and exhibits filed in this estate on December 16, 1986, by Caraway George, P.O. Box 151, Hornbrook, CA 96044. I have not retained any copies. Also, enclosed is our complete office file in this estate.

I have taken no action on the petition to reopen because I seriously question my jurisdiction to dispose of the matter since the Board issued a decision in the estate some years ago and the matter has been appealed to the United States District Court in California and dismissed on stipulation.

Since the Board has broader authority to act in Indian Probate estate matters, I thought that the proper course of action would be to forward the petition to the Board for disposition.

William E Hammett
William E. Hammett

cc: Caraway George, for himself, as attorney in fact for Alpha O. Templeton, Vernam G. Ryckeley, and Fern A. Stone

United States Department of the Interior
OFFICE OF HEARINGS AND APPEALS
2020 Hurley Way, Suite 150
SACRAMENTO, CA 95825
(916) 978-4326

PROBATE NO.:
IBIA 87-19

NOTICE
TO ALL PERSONS HAVING AN INTEREST IN THE SUBJECT MATTER OF THIS PROCEEDING

NOTICE IS GIVEN That on April 1, 1987, a decision reopening the Estate of Julius Benter (Bender), deceased Shasta Indian, was entered. A copy is attached to this notice.

No further distribution of the estate shall be made during the pendency of proceedings following this reopening, except as specifically authorized by the undersigned.

When this matter is set for further hearing, a notice of the time and place of hearing will be mailed to each party in interest pursuant to 43 CFR 4.211.

PARTICULAR NOTICE IS GIVEN TO PARTIES IN INTEREST HERE NAMED:

Land Titles & Records Office, BIA, P.O. Box 3785, Portland, OR 97208
Superintendent, Northern California Agency, BIA, P.O. Box 494-879, Redding, CA 96049-4879
Attention: Realty
Superintendent, Northern California Agency, BIA, P.O. Box 494-879, Redding, CA 96049-4879
Attention: Finance
Estate of Winnie E. Nelson, c/o Superintendent, Northern California Agency, BIA, P.O. Box 494-879, Redding, CA 96049-4879
Lillian S. Rose, c/o Superintendent, Northern California Agency, BIA, P.O. Box 494-879, Redding, CA 96049-4879
Florence Offield Nelson, 2963 Santa Rosa Ave. #2, Santa Rosa, CA 95401
Oscar Stanley Nelson, 2963 Santa Rosa Ave. #2, Santa Rosa, CA 95401
Mabel Offield Leslie, Box 708, Seiad Valley, CA 96086
Richard Leslie, Box 708, Seiad Valley, CA 96086
Louise Offield Montague, 7417 Songfest Dr., Pico Rivera, CA 90660
Eldon Offield, P.O. Box 717, Happy Camp, CA 96039
Loren Offield, 14712½ Chadron Ave., Gardena, CA 90249
Edna Kingsbury, c/o Superintendent, Northern California Agency, BIA, P.O. Box 494-879, Redding, CA 96049-4879
Douglas M. Kingsbury, 105 Ross Road, Aptos, CA 95003
Donald R. Kingsbury, Box 1, Whitmore, CA 96096
Athie Buress Kingsbury, 20680 Walnut St., Red Bluff, CA 96080
Carolyn Louise Kingsury (Malcolm), 547 North 13th St., Grover City, CA 93433
Caraway George, P.O. Box 151, Hornbrook, CA 96044

William E Hammett
William E. Hammett
Administrative Law Judge

Dated and mailed: April 1, 1987
By: Margaret Rietz
(signature)

United States Department of the Interior
OFFICE OF HEARINGS AND APPEALS
2020 Hurley Way, Suite 150
SACRAMENTO, CA 95825

IN THE MATTER OF THE ESTATE OF) PROBATE NO. F-88-69
) IBIA 87-19
JULIUS BENTER (BENDER)) ORDER REOPENING ESTATE
)
DECEASED SHASTA INDIAN)

FINDINGS AND CONCLUSIONS

On December 6, 1986, Alpha Omega George Templeton, acting through Caraway George, her attorney in fact, filed a petition to reopen this estate. Mr. George has filed documents which establish prima facie that Alpha Omega George Templeton had neither actual nor constructive notice of the hearing in this estate held April 10, 1969, at Yreka, California.

The order determining heirs entered July 24, 1969, which emanated from such hearing, determined the heirs of Julius Benter to be persons other than Alpha Omega George Templeton. The petitioner has filed documentation in support of her contention that she is the sole heir of Julius Benter.

The petition was circulated on February 17, 1987, to all parties in interest and they were notified that they could file answers, cross-petitions or briefs by or before March 31, 1987, in opposition to the petition to reopen. Several parties in interest filed statements opposing the reopening of the estate.

If the petitioner can prove that she is the sole heir of Julius Benter, obviously, manifest injustice would occur if this forum refused to reopen the estate to allow her the opportunity to do so, especially in view of the fact that she has established prima facie that she did not receive either actual or constructive notice of the hearing. Further, a title report from the Land Titles and Records Office, Bureau of Indian Affairs, Portland, Oregon, has established that the matter can be corrected, should the petitioner prevail, and the statements filed in opposition to the proposed reopening do not establish a compelling reason for denying reopening of the estate, especially when such statements are measured against the possible manifest injustice which might occur if the estate is not reopened.

ORDER

NOW, THEREFORE, by virtue of the power and authority vested in the Secretary of the Interior by the act of June 25, 1910, as amended 25 U.S.C. 372 (1970), and other applicable statutes, and pursuant to 43 CFR Part 4 and the Findings and Conclusions herein, it is hereby ordered that the petition to reopen this estate filed by Alpha Omega (George) Templeton on December 16, 1986, be, and the same is, hereby granted for the reasons set forth in the Findings and Conclusions herein.

It is further ordered that this estate be set for rehearing at a time and place as will be stated in a notice of such hearing at the time the matter is set for hearing.

Issued at Sacramento, California, on April 1, 1987.

William E. Hammett
William E. Hammett
Administrative Law Judge

Estate of Julius Benter (Bender)
Docket No. IBIA 87-19
Decision
Issued January 21, 1987
15 IBIA 88

Distribution by certified mail:

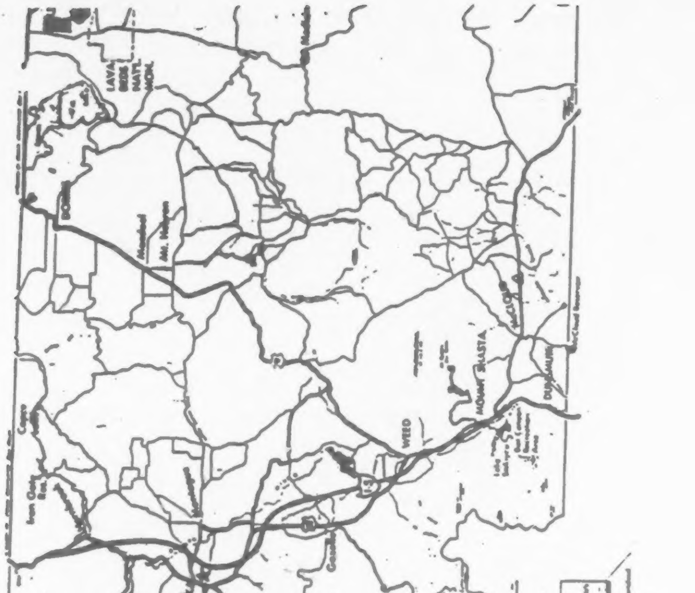
Caraway George
P.O. Box 151
Hornbrook, CA 96044
(for himself, as attorney in fact for Alpha O. Templeton, Vernam G. Ryckeley and Fern A. Stone)

William E. Hammett
Administrative Law Judge
Office of Hearings and Appeals
U.S. Department of the Interior
2020 Hurley Way, Suite 150
Sacramento, CA 95825

Land Titles and Records Office
Bureau of Indian Affairs
P.O. Box 3785
Portland, OR 97208

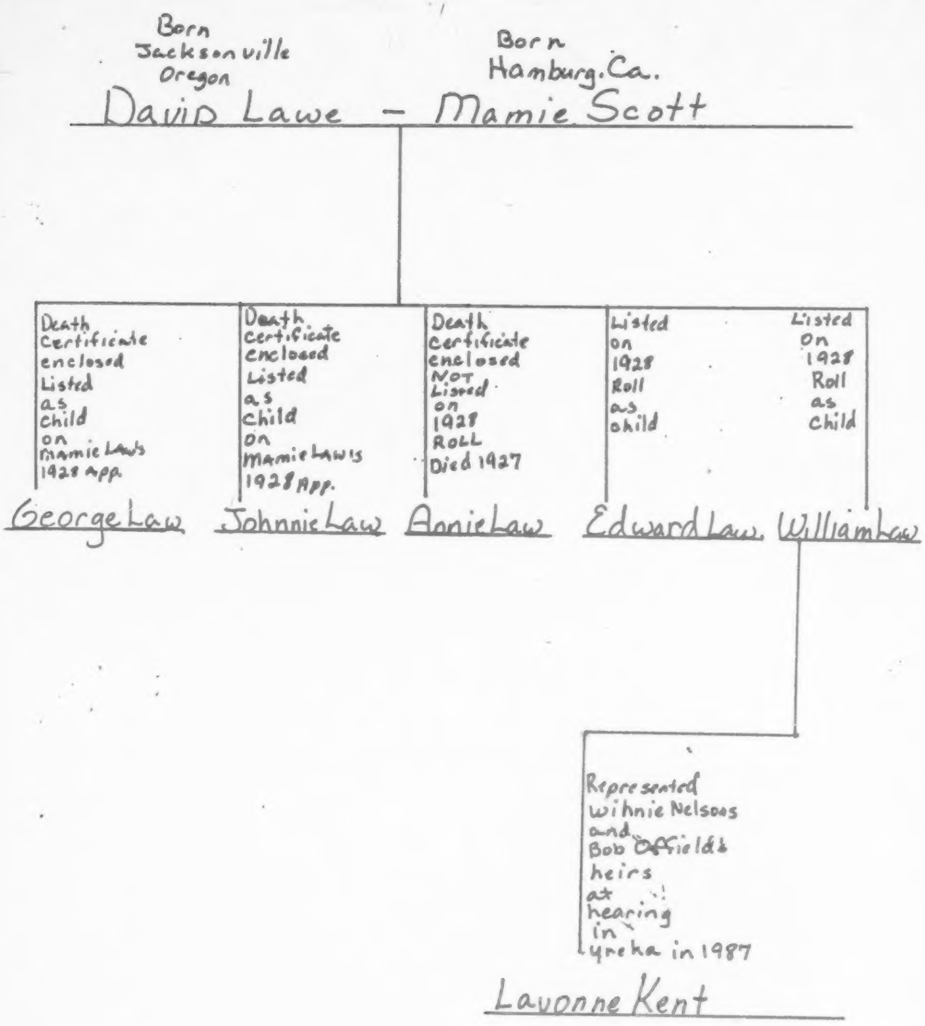
Superintendent
Hoopa Agency
Bureau of Indian Affairs
Hoopa, CA 95546

SISKIYOU COUNTY


Oregon
California
KAROK
LAVA BEDS NATL. MON.
DORRIS
Mt. Hebron
WEED
MOUNT SHASTA
McCLOUD
DUNSMUIR
YREKA
Fort Jones
Etna
Callahan
Cecilville
Forks of Salmon
HAPPY CAMP
MARBLE MTN. PRIMITIVE AREA
Copco
Iron Gate Res.
Montague
Gazelle

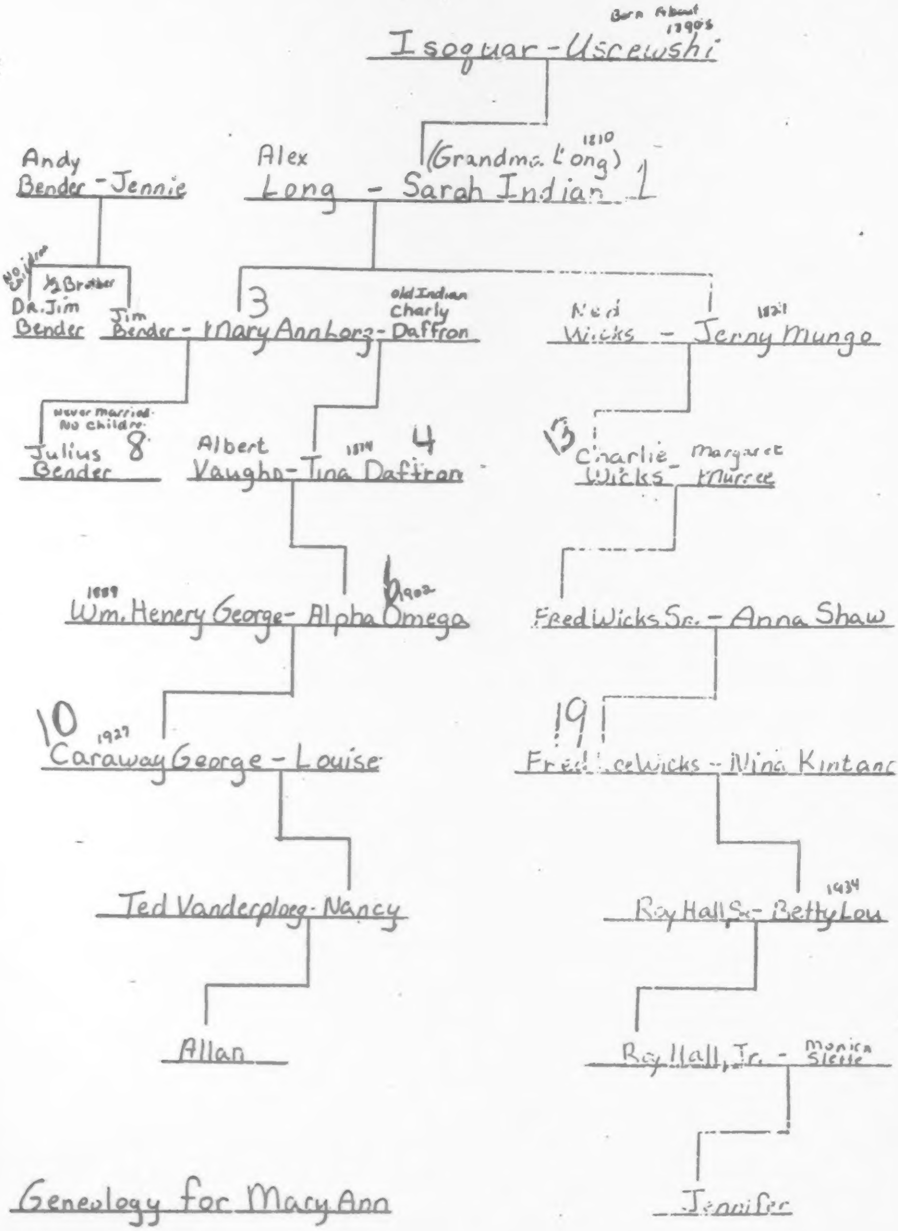
[redacted]

Figure 1-1


Born
Jacksonville
Oregon
Born
Hamburg. Ca.
DaviD Lawe - Mamie Scott
Death
Certificate
enclosed
Listed
as
child
on
Mamie Laws
1928 App.
Death
certificate
enclosed
Listed
as
child
on
Mamie Laws
1928 App.
Death
certificate
enclosed
NOT
Listed
on
1928
ROLL
Died 1927
Listed
on
1928
Roll
as
child
Listed
On
1928
Roll
as
Child
George Law
Johnnie Law
Annie Law
Edward Law
William Law
Represented
wihnie Nelsons
and
Bob Offield's
heirs
at
hearing
in
yreka in 1987
Lavonne Kent

Receipts are in Shasta Nation's file

Family and Decendants of Mary Ann Bende


Born About 1790's
Isoquar - Uscewshi
Andy Bender - Jennie
Alex Long - Sarah Indian
(Grandma Long)
1810
1
No children
½ Brother
Dr. Jim Bender
Jim Bender - Mary Ann Long - Daffron
3
Old Indian Charly
Ned Wicks - Jenny Mungo
1821
Never married. No children.
Julius Bender
8
Albert Vaughn - Tina Daffron
1874
4
13
Charlie Wicks - Margaret Murree
1889
Wm. Henery George - Alpha Omega
1902
6
Fred Wicks Sr. - Anna Shaw
10
1927
Caraway George - Louise
19
Fred Wicks - Nina Kintano
Ted Vanderploeg - Nancy
1934
Ray Hall, Sr. - Betty Lou
Allan
Ray Hall, Jr. - Monica Siette
Jennifer

Geneology for Mary Ann

Bender Case

Exhibit 9

December 2, 1986

William E. Hammett
Administrative Law Judge
United States of the Interior
Office of Hearings and Appeals
2020 Hurley Way Suite 150
Sacramento, CA 95825

Petition to Reopen
Julius Bender Case

Dear Mr. Hammett,

This is a petition to re-open the Julius Bender or Benter Case. I had no actual notice of the original proceedings. I was contacted in the year of 1967 by Samuel Friedman, attorney at law in Yreka, California. At this time he was administrator of probate for Siskiyou County. He asked me about people who died and left no will for Siskiyou County. I was asked the following question, he wanted to know my relationship to Julius Bender. I told him my Great Grandmother, Mary Long was also the mother of Julius Bender. Also, my Great Grandmother had a sister by the name of Jenny Wicks. At this time I wasn't told by Mr. Friedman why he wanted the information as Mr. Friedman considered me a knowledgeable person on family history, as I had also helped put the Shasta Nation Rolls together in 1960. It was brought to my attention by Betty Hall, the Enrollment Clerk for the Shasta Nation, concerning the Julius Bender Case. On October 24, 1986, I obtained a copy of the Estate of Julius Bender - Decision of Appeal #IBIA 70-5, which upheld the decision of the Examiner and directed the Examiner to order immediate distribution of the assets of the Julius Bender estate to Winnie Nelson and Offield. Since that time Betty Hall, and I have checked the family of Winnie Nelson and the Offield Families, there is NO CONNECTION to my family or the Wicks family.

I did not attend any hearings in the estate; I did not have actual notice of the original or any other notice of proceedings, and was not on the reservation or otherwise in the vicinity at any time while public notices of the hearings were posted. Notices of hearings were posted at the Hoopa Area Field Office, Hoopa CA, the Sacramento Area Office, Sacramento, CA, and with the postmasters at Sacramento, Yreka, Hoopa, Redding, Montague, and Weed, CA. Whereas I was residing at Hornbrook, CA, during the period of posting and was not within any of the places of posting during the posting period.

I feel that a manifest injustice has occured. All exhibits are submitted as evidence pertaining to the correct geneaology of Julius Bender.

Sincerely yours,

Caraway George
Caraway George
P. O. Box 151
Hornbrook, CA 96044

STATE OF CALIFORNIA
COUNTY OF Siskiyou ss.

On this 3rd day of December, in the year 1986, before me, Patricia Lane, a Notary Public, State of California, duly commissioned and sworn, personally appeared Caraway George personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this instrument, and acknowledged that he executed it.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the County of Siskiyou on the date set forth above in this certificate.

PATRICIA LANE
OFFICIAL SEAL
NOTARY PUBLIC-CALIFORNIA
COUNTY OF SISKIYOU
Comm. Expires Dec. 15, 1989

Patricia Lane
Notary Public, State of California

My commission expires December 15, 1989

This document is only a general form which may be proper for use in simple transactions and in no way acts, or is intended to act, as a substitute for the advice of an attorney. The printer does not make any warranty, either express or implied as to the legal validity of any provision or the suitability of these forms in any specific transaction.

Cowdery's Form No. 32 — Acknowledgement to Notary Public — Individuals — (C.C. Sec. 1189) — (Rev. 1/83)

Petition to reopen

To Whom It May Concern;

I Vermal G. Ryckeley authorize Caraway George to act on my behalf as my agent in the reopening of the Julius Bender Case.

During the proceedings in 1968, I was living outside the Siskiyou County area and had no knowledge of the proceedings.

Signed,

Vermal G. Ryckeley

State of Tenn.
County of Macon

Sworn to and subscribed before me this 1st day of Dec. 1986 at Red Boiling Springs, Tenn.

Mary Alice Morgan
Notary Public

My Comm. Expires 9-18-1990

Petition to reopen

To Whom It May Concern;

I Fern A. Stone authorize Caraway George to act on my behalf as my agent in the reopening of the Julius Bender Case.

During the proceedings in 1968, I was living outside the Siskiyou County area and had no knowledge of the proceedings.

Signed,

Fern A. Stone 11-25-86

IVY Y. SNIDER
My Commission Expires January 21, 1988

STATE OF CALIFORNIA
COUNTY OF ...SHASTA................ } ss.

On this....25th........day of November.......in the year....1986.........
...., before me,
.......Ivy. Y.. Snider......................, a Notary Public, State of California, duly commissioned and sworn, personally appeared ....
.......Fern. A.. Stone..................................
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person....whose name..............is..........................
subscribed to this instrument, and acknowledged that . . S he . . . . executed it.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the ....County of
......................Shasta..........................on the date set forth above in this certificate.

Notary Public, State of California

My commission expires ____________

Cowdery's Form No. 32 — Acknowledgement to Notary Public — Individuals — (C.C. Sec. 1189) — (Rev. 1/83)

Dec. 25, 1930.

To Whom it may concern:— I Alpha O. Templeton do give to my son Caraway George full power of attorney, to attend to all my business for now and ever.

Alpha O Templeton

Witness

1 Robert Cummins

2 Jim [illegible]

3 Ardon Burns

4 Fred Richardson

5 Chee Barton

December 2, 1986

Petition to Reopen
Julius Bender Case

Narrative

A manifest injustice has occurred. A resonable possibility exists for correction of the error. The attached exhibits are submitted as evidence pertaining to the correct genealogy of Julius Bender, thereby establishing the rightful heirs, the Caraway George family.

Caraway George's mother, brothers and sisters have given Caraway the authority to file a Petition to Reopen the Bender Case on their behalf and his own. See exhibits A,B,C, All were in other states at the time of the origional hearings, and had no knowledge of hearing, and proceedings. Alpha Omega Vaughn-George-Templeton, now resides in a convalescent Hospital in Redding, California. Caraway holds her power of attorney, other brothers and sisters are; Vermal Earline Ryckley, Joe William George, Virginia Erma Lee Warn, Adolph George and Fern Adell Stone.

Exhibit #1., is a Death Certificate of Grandma Long (Sarah Indian), she was born about 1810 to Tsoquar and Useewishi, who were both born in Scott Valley in the late 1780's. Her husband was Alex Long. Grandma Long a Shasta Indian died January 16, 1900, at about the age of 90 years, while visiting her nephew James Daniel George, at Topsy, she fell on the ice, and this contributed to her death. She was survived by daughters Mary Ann Bender of Yreka, CA, and Jenny Wicks of Scott Valley. The place of burial was the family Indian Burial Ground at Graveyard Gulch. This burial ground being located on what is historically known as the "Wicks Ranch". She was a ward of the County, filed in Sheriffs Indian Book, page 284. See also exhibit #2.

Exhibit #4 & 5, is a Death Certificate of Tina Vaughn, daughter of Mary Bender. Tina Vaughn, a Shasta Indian was born in Hawkinsville, CA., July 29,1874 to Indian Charley Daffron, who was born at Starveout, CA, and Mary Ann Long, who was born in Scott Valley. Tina Vaughn owned property and paid taxes. This was very rare for an Indian woman. She died September 10, 1903 at her home in Henley, and was buried in the Cottonwood Cemetery in Hornbrook, CA. The information for the death certificate was given by Mary Ann Bender, mother of Tina Vaughn.

Exhibit #3., an obituary of Mary Bender copied from the Siskiyou News, dated March 29,1928, she was the daughter of Grandma Long (Sarah Indian). The notice states that she died at age 70 and was buried in the Indian Cemetery at the Bender Rancheria near Yreka. She leaves a son Julius Bender. A daughter Tina Vaughn preceded her in death. The obituary was copied from a large bound book which is archived at the Siskiyou County Museum, Yreka, CA., by Shasta Nation Enrollment Clerk and Tribal Historian, Betty Hall.

Exhibit #6 & 7., is the marriage license for George and Alpha Vaughn on October 15, 1920, County of Clay in Arkansas. Alpha Vaughn is the daughter of Tina Vaughn. Alpha had been taken in by the George family, and when W.H. George returned home from the Army, they were married. See exhibit # 7A.

Exhibit #8 is a Death Certificate of Julius Bender, a Shasta Indian, was born to Jim Bender and Mary Long on July 4, 1885. He died September 16, 1967, he was the last of his family and was buried in the Bender family cemetery, located south of Yreka, CA., on the Bender Rancheria. Julius Bender and Tina Vaughn had the same mother, Mary Ann Long.

Exhibit # 10 is the Birth Certificate of Caraway George born Novemer 18, 1927 to Alpha Vaughn-George, and W.H. George. Also, see exhibits 10A and 10B.

Exhibit # 9, is a obituary for Albert Vaughn, printed in the Henley Chronicle, October 7, 1902, states that Albert Vaughn leaves a wife, Tina Vaughn and a daughter Alpha Omega Vaughn, and Mother-in-Law, Mary Bender. This document reafirms all the previous exhibits.

Grandma Long (Sarah Indian) daughter was Jenny Wicks, her son was Charley Wicks and Exhibits # 13,14,15,16,17 & 18 is the Enrollment Application #3062 for Charley Wicks, who was born in Quartz Valley, June 5, 1855 to a White man Edward (ned) Wicks and a full 4/4 Shasta Indian woman, Jenny Wicks (see exhibit # 15). Exhibit # 1 (item 14) states that Grandma Long (Sarah Indian) daughters were Mary Ann Bender and Jenny WIcks. Charley Wicks married Margaret Murree, and they had a son Fred Wicks, and Clara Wicks was also their daughter (see exhibit #17, item 29 remarks). Also Exhibits 13A, 13B, 13C

Exhibit #19, is a Birth Certificate for Frederick Lee Wicks; the son of Fred Wicks. Frederick Lee Wicks presently resides at Beverly Manor Convaselant Home in Yreka, CA.

Exhibit # 20, 21 is a 1911 Map of Siskiyou County area, an Indian Allotment is outlined, which I have marked for your reference. Exhibit # 22 is a Siskiyou County Assessor Office Parcel Map. Parcel #35 Indian Allotment U.S.A. as you can see this allotment is much smaller than the representation on the 1911 Map. Exhibit # 24 & 25. I (Betty Hall) have taken the names of parcel owners and written them on the corresponding parcels. Parcel #1- Lucas, Parcel # 2- Brazie, Parcel # 4- Klinger, Parcel # 40- Brazie, and Parcel # 8- Klinger.

Now how did this Indian Land pass into their hands? Was the sale approved by the Secetary of the Interior?

Exhibits # 23,24,25 are Siskiyou County records as of March 22, 1982. Exhibits # 26,27,28,29,30 are records taken from Siskiyou County Court House Assessors Office on December 1, 1986. This shows a Grant Deed for 1/120 undivided interest to Leslie, Richard C. & Mabel M. Box 708 Seiad Valley, CA 96086. This shows changes made on September 21, 1983.

Exhibit # 31, Death Certificate for Winnie E. Nelson, she died June 18, 1983. Her father was William Dietrich, and her mother was Ella Snelling.

Exhibit # 32 is a Death Certificate for Bessie Snelling, she died December 8, 1928, she was about 118 years old. She was Winnie Nelsons Grandmother. Winnie Nelson was the informant and she states that the names of her Great Grandparents are unknown.

Exhibit # 33,34,35,36,37 are Enrollment Application #3132 for Winnie Nelson. Page 4, item 26- Bessie SNelling is the only name given.

Exhibit # 38 is a Family History sheet for Frank Offield, taken from enrollment application # 3403. He states Grandparents on mothers side are unknown. Preparied by my-self Betty Hall.

Exhibit # 39,40,41,42,43 is the Enrollment Application #3403 for Frank Offield. Page 3, item 15 just gives the name of Mother; Sallie ______. Page 4, item 26- Frank states names of Grandparents unknown.

Exhibit # 44 is a Family History sheet for Robert F. Offield, the information was taken from Robert F. Offield's Enrollment # 3402. Preparied by myself, Betty Hall.

Petition to Reopen
Julius Bender Case

Narrative page 4

Exhibit # 45,46,47,48,49,50,51, Enrollment Application #3402 for Robert Offield. Page 2, item 12, states his father is Frank Offield. Mother is Susie Offield. Page 4, item 26, names Grandmother Sallie Offield. Exhibit # 52 Death Certificate for Sallie Offield. Names of her parents unknown.

As the Enrollment Clerk for the Shasta Nation, I have done extensive research as to Tribal genealogy and history. The Exhibits # 31 thru 52 do not indicate any relationship to the Julius Bender family, or the Jenny Wicks family. In all of the documents submitted as evidence regarding relationships to Julius Bender, the Offield and Nelson families do not show up at all. The Census of Non-Reservation Indians done by C.E. Kelsey in 1905-1906 does not indicate any relationship between the Offields and Nelson's to the Bender's. Census of Indians of the Redding District, Roseburg Agency on November 10,1915, taken by Watson C. Randolph, Clerk of Redding District. This census does not show Offied or Nelsons related to the Bender family.

This narrative was prepared by myself, Betty Hall, for the Caraway George family.

Sincerely yours,

Betty L. Hall

Betty L. Hall
Enrollment Clerk and
Historian for the
Shasta Nation

STATE OF CALIFORNIA
COUNTY OF Siskiyou } ss.

On this 3rd day of December, in the year 1986, before me, Caryn A. Blais, a Notary Public, State of California, duly commissioned and sworn, personally appeared Betty L. Hall personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name S subscribed to this instrument, and acknowledged that S he executed it.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the County of Siskiyou on the date set forth above in this certificate.

OFFICIAL SEAL
CARYN A. BLAIS
NOTARY PUBLIC-CALIFORNIA
Principal Office in SISKIYOU County
My Commission Expires Sept. 28, 1990

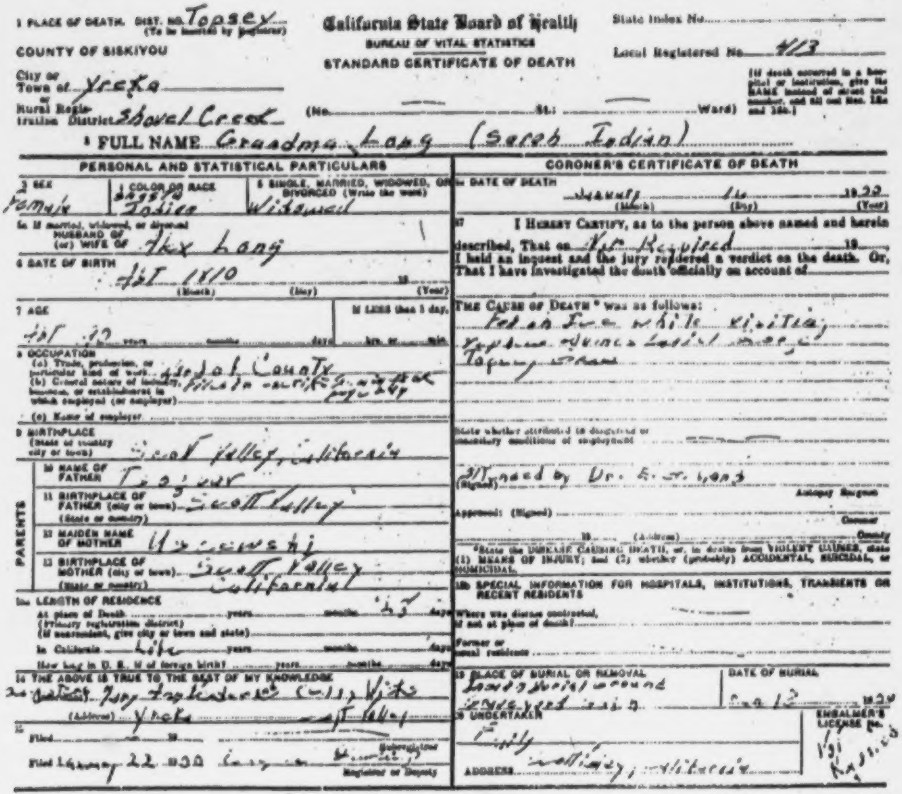
Caryn A. Blais
Notary Public, State of California

My commission expires Sept. 28 1990

[illegible]

Cowdery's Form No. 32 — Acknowledgement to Notary Public — Individuals — (C.C. Sec. 1189) — (Rev. 1/83)

Exhibit 1



1 PLACE OF DEATH. DIST. NO. Topsey (To be inserted by Registrar)

COUNTY OF SISKIYOU

City or Town of Yreka

or Rural Registration District Shovel Creek (No. St.; Ward)

(If death occurred in a hospital or institution, give its NAME instead of street and number, and fill out Sec. 18a and 18b.)

California State Board of Health

BUREAU OF VITAL STATISTICS

STANDARD CERTIFICATE OF DEATH

State Index No.

Local Registered No. 413

2 FULL NAME Grandma Long (Sarah Indian)

PERSONAL AND STATISTICAL PARTICULARS

3 SEX Female

4 COLOR OR RACE Shasta Indian

5 SINGLE, MARRIED, WIDOWED, OR DIVORCED (Write the word) Widowed

5a If married, widowed, or divorced HUSBAND OF (or) WIFE OF Alex Long

6 DATE OF BIRTH Abt 1810 (Month) (Day) (Year)

7 AGE Abt [illegible] years months days; If LESS than 1 day, hrs. or min.

8 OCCUPATION

(a) Trade, profession, or particular kind of work Oldest County

(b) General nature of industry, business, or establishment in which employed (or employer) [illegible]

(c) Name of employer

9 BIRTHPLACE (State or country city or town) Scott Valley, California

PARENTS

10 NAME OF FATHER [illegible]

11 BIRTHPLACE OF FATHER (city or town) (State or country) Scott Valley

12 MAIDEN NAME OF MOTHER [illegible]

13 BIRTHPLACE OF MOTHER (city or town) (State or country) Scott Valley California

13a LENGTH OF RESIDENCE

At place of Death (Primary registration district) years months 23 days

(If nonresident, give city or town and state)

In California Life years months days

How long in U. S. if of foreign birth? years months days

14 THE ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE

(Informant) [illegible]

(Address) Yreka [illegible] Scott Valley

15 Filed 19

Filed January 22 1930 [illegible] Registrar or Deputy

CORONER'S CERTIFICATE OF DEATH

16 DATE OF DEATH January 16 1930 (Month) (Day) (Year)

17 I HEREBY CERTIFY, as to the person above named and herein described, That on Not Required 19 I held an inquest and the jury rendered a verdict on the death. Or, That I have investigated the death officially on account of

THE CAUSE OF DEATH* was as follows:

Fell in fire while visiting [illegible] Topsey [illegible]

State whether attributed to dangerous or insanitary conditions of employment

(Signed) Signed by Dr. [illegible] Autopsy Surgeon

Approved: (Signed) Coroner

19 (Address) County

*State the DISEASE CAUSING DEATH, or, in deaths from VIOLENT CAUSES, state (1) MEANS OF INJURY; and (2) whether (probably) ACCIDENTAL, SUICIDAL, or HOMICIDAL.

18a SPECIAL INFORMATION FOR HOSPITALS, INSTITUTIONS, TRANSIENTS OR RECENT RESIDENTS

Where was disease contracted, if not at place of death?

Former or usual residence

19 PLACE OF BURIAL OR REMOVAL Indian burial ground [illegible]

DATE OF BURIAL Jan 18 1930

20 UNDERTAKER [illegible]

ADDRESS [illegible], California

EMBALMER'S LICENSE No. [illegible]

Exhibit #2

EXHIBIT # 1 : DEATH CERTIFICATE OF:

(2) Grandma Long (Sarah Indian)

(6) Born about 1810

(8) Ward of County, b-filed in Sheriffs Indian book,page 294

(9) Born Scott Valley, California

(10) Father - Tsoquar

(11) Born Scott VAlley

(12) Mother - Useewshi

(13) Born Scott Valley

(14) Informants: (daughters) Mary Ann Bender & Jenny Wicks
address Yreka Scott Valley

(16) Date of Death : January 16, 1900

(17) The cause of Death was as follows:

Fell on ice while visiting
nephew James Daniel George
Topsey Grade

(19) Place of Burial or Removal:

Indian Burial ground
Graveyard Gulch

(20) Family

Exhibit 3

The Siskiyou News March 29, 1928

OBITUARY OF: Mary Bender, Indian Buried Here Tuesday -
Mary Bender, aged 70 years, Indian, who died here this week, was buried in the Indian Cemetery Tuesday, March 27, according to Indian custom. Death was caused by cerebral hemorrhage. She leaves a son, Juluis Bender.

Kunz & Bills had charge of the funeral arrangements.

Exhibit #4

1 PLACE OF DEATH Dist. No. Henley (To be inserted by Registrar)

COUNTY OF SISKIYOU

City or Town of Henley
or Rural Registration District

California State Board of Health
BUREAU OF VITAL STATISTICS
STANDARD CERTIFICATE OF DEATH

State Index No.

Local Registered No.

(No. St.; Ward) (If death occurred in a hospital or institution, give its NAME instead of street and number.)

2 FULL NAME Tina Vaughn

PERSONAL AND STATISTICAL PARTICULARS

3 SEX Female

4 COLOR OR RACE [illegible] Indian

5 SINGLE, MARRIED, WIDOWED, OR DIVORCED (Write the word) Widowed

5a If married, widowed, or divorced HUSBAND OF (or) WIFE OF Albert Vaughn

6 DATE OF BIRTH July (Month) 29 (Day) 1877 (Year)

7 AGE 44 years 1 months 13 days; If LESS than 1 day, hrs. or min.

8 OCCUPATION
(a) Trade, profession, or particular kind of work Housewife owned property
(b) General nature of industry, business, or establishment in which employed (or employer) paid taxes
(c) Name of employer

9 BIRTHPLACE (State or country, city or town) Hawkinsville, California

PARENTS

10 NAME OF FATHER Oliver Lucy Duffron

11 BIRTHPLACE OF FATHER (city or town) Stan Scout
(State or country) Siskiyou Co.

12 MAIDEN NAME OF MOTHER Lucy Van Borg

13 BIRTHPLACE OF MOTHER (city or town) Scott Valley, California
(State or country)

14 LENGTH OF RESIDENCE
At place of Death (Primary registration district) 10 years months days
(If nonresident, give city or town and state)
In California life years months days
How long in U. S., if of foreign birth? years months days

15 THE ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE
(Informant) Lucy Van Becker Sister
(Address)

16 Filed 19
September 1921 Emigene Dowling Registrar or Deputy

CORONER'S CERTIFICATE OF DEATH

17 DATE OF DEATH September (Month) 10 (Day) 1921 (Year)

18 I HEREBY CERTIFY, as to the person above named and described, That on 19 I held an inquest and the jury rendered a verdict on the death. That I have investigated the death officially on account of

THE CAUSE OF DEATH* was as follows:
Congested Lungs
died at home

State whether attributed to dangerous or insanitary conditions of employment
Attended by John A Brown M.D.

(Signed) Autopsy

Approved: (Signed)

19 (Address)

*State the DISEASE CAUSING DEATH, or, in deaths from VIOLENT CAUSES, state (1) MEANS OF INJURY; and (2) whether (probably) ACCIDENTAL, SUICIDAL, or HOMICIDAL.

19a SPECIAL INFORMATION FOR HOSPITALS, INSTITUTIONS, TRANSIENT OR RECENT RESIDENTS

Where was disease contracted, if not at place of death?

Former or usual residence

20 PLACE OF BURIAL OR REMOVAL Stanwood Cemetery

DATE OF BURIAL September 12

21 UNDERTAKER Family

ADDRESS Henley, California

EMBALMER'S LICENSE Not Req

Exhibit #5

EXHIBIT # 2 : DEATH CERTIFICATE OF:

(2) Tina Vaughn

(5) Husband - Albert Vaughn

(6) Date of Birth: July 29, 1874

(7) Age - 24 yrs.

(8) housewife

(9) Birth place - Hawkinsville, Ca.

(10) Father: Indian Charlie Daffron

(11) Birth place: Starveout, Ca.

(12) Mother: Mary Ann Long

(13) Birth place: Scott VAlley

(14) Informant: Mary Ann Bender

(16) Date of Death: September 10, 1903

(19) Place of Burial: Cottonwood Cemetery
Henley, California

Exhibit 6

(Copy of Marriage License)

State of Arkansas

COUNTY OF CLAY

MARRIAGE LICENSE

TO ANY PERSON AUTHORIZED BY LAW TO
SOLEMNIZE MARRIAGE — GREETING:

You are hereby commanded to solemnize the Rite and Publish the Banns of Matrimony between —

W. H. George of St. Francis
in the County of Clay and State of Arkansas Aged 33 Years
AND Alpha Vaughan of St. Francis
in the County of Clay and State of Arkansas Aged 18 Years
according to law, and Do You Officially Sign and Return this License, to the Parties Herein Named.
WITNESS My Hand and Official Seal this 15th day of October, 1920

Wm. B. Burton
County Clerk

(Seal)

County and Probate Court

Deputy County Clerk

Certificate of Marriage

~~State of Arkansas, County of~~ Clay ~~I do hereby certify that on the~~ 17th day of October, 1920, I did duly and according to law as commanded in the foregoing License solemnize the Rite and Publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this 17th day of October, 1920

My credentials are recorded in Recorder's Office, County, Ark., Book , Page

W. W. Mayes J. P.

Certificate of Record

STATE OF ARKANSAS
County of Clay - - ss.

I, Wm. B. Burton, Clerk of the County Court of said County, certify that the above License for and Certificate of the Marriage of W. H. George and Alpha Vaughan was filed in my office on the 20th day of October, 1920 and the same is duly recorded on Page 57 of Book 11 of Marriage Records.

WITNESS by hand and the seal of said Court this 20th day of October, 1920

Wm. B. Burton Clerk

Exhibit # 7

Clerk's Certificate of Transcript

STATE OF ARKANSAS,
COUNTY OF CLAY - - ss.

I, Laverne Smart, Clerk of the County and Probate Courts, within and for the County and State aforesaid, Do Hereby Certify that the foregoing written matter contains a true, complete, and perfect transcript of the MARRIAGE RECORD OF

W. H. Geiger and Alpha Vaughn

as herein set forth, and as the same appears of record in Marriage Record Book Volume 11 Page 57 Clay County, Arkansas.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Courts at the City of Piggott, Arkansas, this the 26th day of February, 19 81.

(Seal)

Laverne Smart
County and Probate Clerk

By Cathadell Smart, Deputy

Original document submitted to Judy by Conway

Note by [illegible]

Exhibit # 7A

.13

Custody of Minor Child

Justice Court
Hornbrook District

I James Daniel George take the oath on the Bible that of this day, Oct. 1, 1906 in the presence of Mary Ann Bender the grandmother of Alpha Omega Vaughn the daughter of Vina Vaughn and Albert Vaughn deceased. That I will take this Child into my home and raise her as my own. I will raise her in my belief also the Christian Belief. This child is of blood kin. I ask the Court for full custody rights as I am selling my property and moving to Dunklin County Missouri.

The above request has been granted.

Signed Chas Cole
Justice of the Peace
Hornbrook District
Co. of Siskiyou.

The entry is in Book 2 page 27 of the Justice Court Hornbrook District

Exhibit 8

4700 2 3 7

CERTIFICATE OF DEATH

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC HEALTH

237

21 PAGE 670 VOL

DECEDENT PERSONAL DATA

JULIUS — BENDER — SEPTEMBER 16, 1967 — 9:40 Pm

MALE — INDIAN — California — July 4, 1885 — 82 Years

Jim Bender - California — Mary Long - — United States — None

Laborer — — — —

None — Never married — — —

PLACE OF DEATH

Siskiyou County General Hospital — 818 South Main Street ☒ ☐

Yreka — Siskiyou — Life Years — Life Years

LAST USUAL RESIDENCE

Route 1, Box 128 ☐ ☐ ☐ — Mr. Ben Brazie

Yreka — Siskiyou — California — Yreka, California

PHYSICIAN'S OR CORONER'S CERTIFICATION

9-20-67 9-16-67 9-16-67

N. Landon, M.D. — N. Landon MD

714 South Main, Yreka, Calif — 9-18-67

FUNERAL DIRECTOR AND LOCAL REGISTRAR

Burial — 9-20-67 — Bender Family Cemetery — Rolla T. Colburn 3820

Girdner Funeral Chapel — SEP 26 1967 — Ernest T. Johnson By Ruth I. Burnett

MEDICAL AND HEALTH DATA

CAUSE OF DEATH

Myocardial Infarction — hrs.

Arteriosclerotic Heart Disease — yrs.

APPROXIMATE INTERVAL BETWEEN ONSET AND DEATH

Senility

OPERATION AND AUTOPSY

☒ ☐ ☐ — ☒ ☐ ☐

INJURY INFORMATION

☐ ☐

2905

21-670

STATE OF CALIFORNIA, COUNTY OF SISKIYOU: I, P. K. Bley, County Recorder and Registrar of Vital Statistics for said County, do hereby certify the annexed to be a true, full and correct transcript of the record of an instrument, as the same is recorded in my office in Book 21 of Reg of Deaths Page 670 IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official Seal this 28th day of December 19 82

1820

Fee: $3.00 Paid

, Recorder

HENLEY CHRONICLE

Vol. 42 Oct. 7, 1902 Page 1

OBITUARY

Oct. 7, 1902 Albert Vaughn a prominent citizen of this community passed away. He was born on the North Fork of the Little Shasta River in the year of our Lord 1849. Albert is survived by his brother Thomas Vaughn, his mother Little Blossom Johns, who lives in Pennsylvania. Albert's father Big Jim died in Dec. 1851 from the prisoning at Fort Jones. When Albert's mother received news of the tragedy, she came with her two boys to the resident of Thomas Vaughn and his Nancy LaRue. They lived at the Hudson Bay trading post about four miles East of Henley. Mr. Vaughn adopted the mother and children. Albert also leaves his wife Tina and small daughter Alpha Camps. His mother-in-law Mary Bender and family. His Uncle Tyee Jim and numerous relatives from the Shasta Nation.

When Albert was born he was what the Shasta people called a snow child. He was white, his hair was blond. At about six years old his hair turned red. At the age of twelve years his hair was black and he measured six feet tall.

Mr. Vaughn sent Albert to the Northwest College of Mechanic's at Chicago, Illinois.

At the time of his death he had purchased a large steam tractor with a separator. Albert was crossing the Klamath River at Old Indian Ford, the water was too deep it went into the firebox and put out the fire.

Albert died from a congested chill caused by the cold water.

Tyee Jim officiated for the first part of the funeral. He was a eloquent speaker. Rev. Thompson from Yreka officiated for the Christian service.

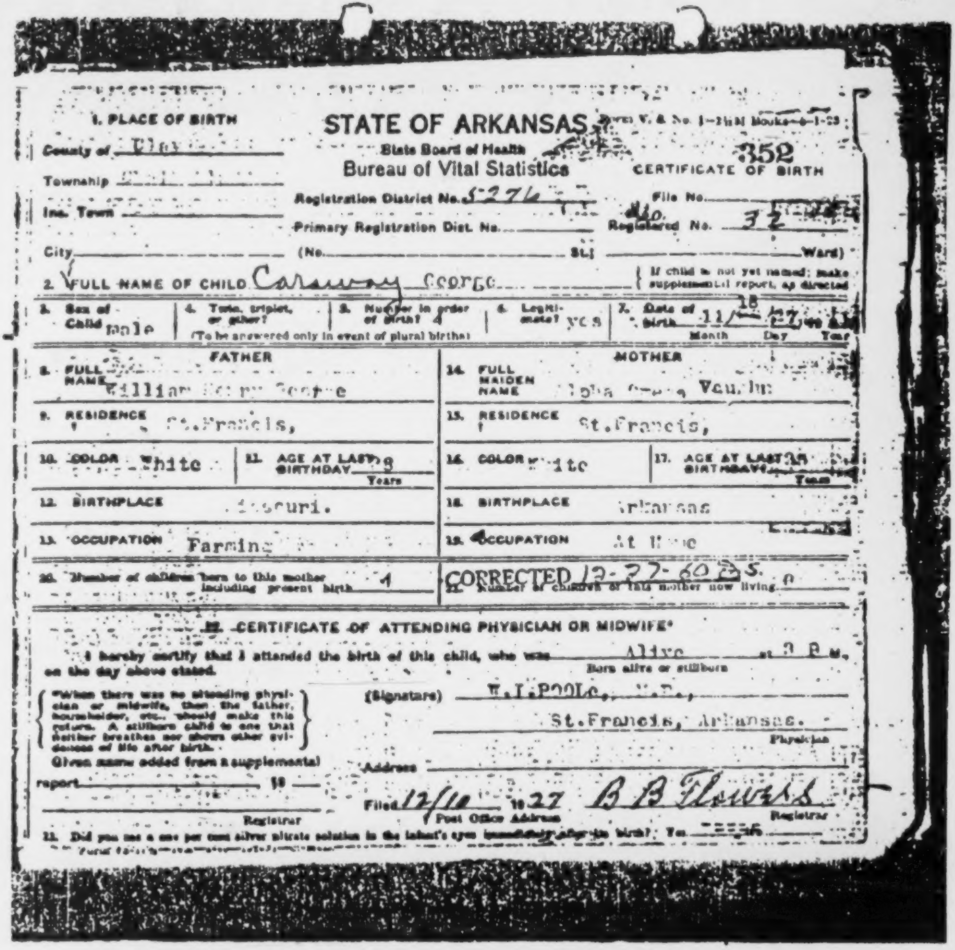
The community has lost a man who was of great stature in height and also in character.

He was buried at the Old Hudson Bay Cemetery, now called the Klamathon Cemetery. He is buried with his adopted parents, also his Grandfather and Grandmother of the Jim family.

Exhibit 9

Given to Betty Hall By Granny George on Sept 26 1986 at her home

Exhibit #10



1. PLACE OF BIRTH

County of [illegible]

Township [illegible]

Inc. Town

City

STATE OF ARKANSAS

State Board of Health

Bureau of Vital Statistics

Registration District No. 5276

Primary Registration Dist. No.

(No. St.; Ward)

352

CERTIFICATE OF BIRTH

File No.

Registered No. 32

2. FULL NAME OF CHILD Caraway George

If child is not yet named; make supplemental report, as directed

3. Sex of Child male	4. Twin, triplet, or other?	5. Number in order of birth? 4	6. Legitimate? yes	7. Date of birth 11/ 18 27, 19 27 Month Day Year
	(To be answered only in event of plural births)			

FATHER	MOTHER
8. FULL NAME William Henry George	14. FULL MAIDEN NAME Alpha Grace Vaughn
9. RESIDENCE St. Francis,	15. RESIDENCE St. Francis,
10. COLOR White — 11. AGE AT LAST BIRTHDAY [illegible]8 Years	16. COLOR White — 17. AGE AT LAST BIRTHDAY 35 Years
12. BIRTHPLACE Missouri.	18. BIRTHPLACE Arkansas
13. OCCUPATION Farming	19. OCCUPATION At Home
20. Number of children born to this mother including present birth 4	21. Number of children of this mother now living [illegible]

CORRECTED 12-27-60 BS.

22. CERTIFICATE OF ATTENDING PHYSICIAN OR MIDWIFE*

I hereby certify that I attended the birth of this child, who was Alive (Born alive or stillborn) at 3 P. M., on the day above stated.

*When there was no attending physician or midwife, then the father, householder, etc., should make this return. A stillborn child is one that neither breathes nor shows other evidences of life after birth.

(Signature) W. I. Poole, M.D.,

St. Francis, Arkansas. Physician

Address

Given name added from a supplemental report 19

Registrar

Filed 12/10 1927 B B Flowers Registrar

Post Office Address

23. Did you use a one per cent silver nitrate solution in the infant's eyes immediately after its birth? Yes

THIS IS A CERTIFIED COPY OF AN ORIGINAL DOCUMENT

This to certify, that the above is an exact reproduction of the original certificate which is on file in this office and of which I am legal custodian. In testimony whereof, witness my hand and seal of office at Little Rock, Arkansas. (Do not accept if rephotographed, or if seal cannot be felt. The reproduction of this document is prohibited by law, Arkansas Statute 82-523).

March 9, 1983

DATE

Henry C. Robinson, Jr.

STATE REGISTRAR

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20245

IN REPLY REFER TO:
Tribal Government Services (TE)

MAR 4 1986

Mrs. Betty L. Hall
Enrollment Clerk
Shasta Nation
P. O. Box 1054
Yreka, California 96097

Dear Mrs. Hall:

This is in response to your letter dated September 3, 1985, in which you asked that we review the documentation submitted with that letter and certify Mr. Caraway George as a Shasta Indian. You state that our Sacramento Area Office has not been able to certify Mr. George as a Shasta Indian because none of his relatives are named in the records used to substantiate certificates of degree of Indian blood issued by that office.

The documentation you submitted for consideration consists of military records, birth and death records and historical records of the Shasta Indians. Based on the foregoing, we have concluded that Mr. George does, indeed, possess Shasta blood.

According to those records, Andrew George was a Catawba Indian who served in Captain Smart's Indian Unit headquartered in Missouri. In early 1851, Captain Smart's Indian Unit was involved in the Indian disturbances on the Coquille River, the unit being attached to Fort Lane, Oregon. During that period, Andrew George met and on January 2, 1851, married Polly Ike, the daughter of Idakariwakaha, Chief of the Idakariwakaha tribe or band of Shasta Indians in the Shasta valley. He apparently took her with him when he returned to Missouri because their children, James Daniel George, Jennie George and Missouri Ann George Owens, were born in Stoddard County, Missouri. Also, James Daniel George was still in Missouri when he married Rhoda Jane Bess on July 18, 1886. Rhoda was the daughter of Peter Bess, a Catawba Indian in the same military unit, and Patsy Bullhead, whose death certificate reveals that she was a Shasta Indian born in California in 1833. Sometime after James and Rhoda's marriage, the family returned to California. James was living at Shovel Creek, California, on February 24, 1900, when his maternal grandmother, Mary Ike, the widow of Chief Idakariwakaha, died. Andrew George who died in 1866, Peter Bess who died in 1893 and Patsy Bullhead Bess who died in 1902 were buried in the family's burial ground on Shovel Creek.

The obituary for James Daniel George reveals that he moved from California to Dunklin County, Missouri, in 1908 and later, during World War II, moved to Clay County, Arkansas. William Henry George, the son of James and Rhoda George, was born in Missouri on June 21, 1887. He married Alpha Vaughn of St. Francis, Clay County, Arkansas, on October 17, 1920. Their son, Caraway George, was born November 18, 1927, in Piggott, Arkansas.

As for Caraway George's blood degree, we have concluded that Polly Ike George was a fullblood Shasta Indian. Her son, James Daniel George, therefore, possessed 1/2 degree Shasta Indian blood. He married Rhoda Jane Bess whose mother, we have concluded was also a fullblood Shasta Indian. Rhoda Jane Bess George, therefore, possessed 1/2 degree Shasta Indian blood. James and Rhoda's son, William Henry George, also possessed 1/2 degree Shasta Indian blood. Since William married a non-Indian, his son, Caraway George, possesses 1/4 degree Shasta Indian blood.

We hope that the above findings will resolve any problems you have encountered in establishing Mr. George's Shasta ancestry and blood degree.

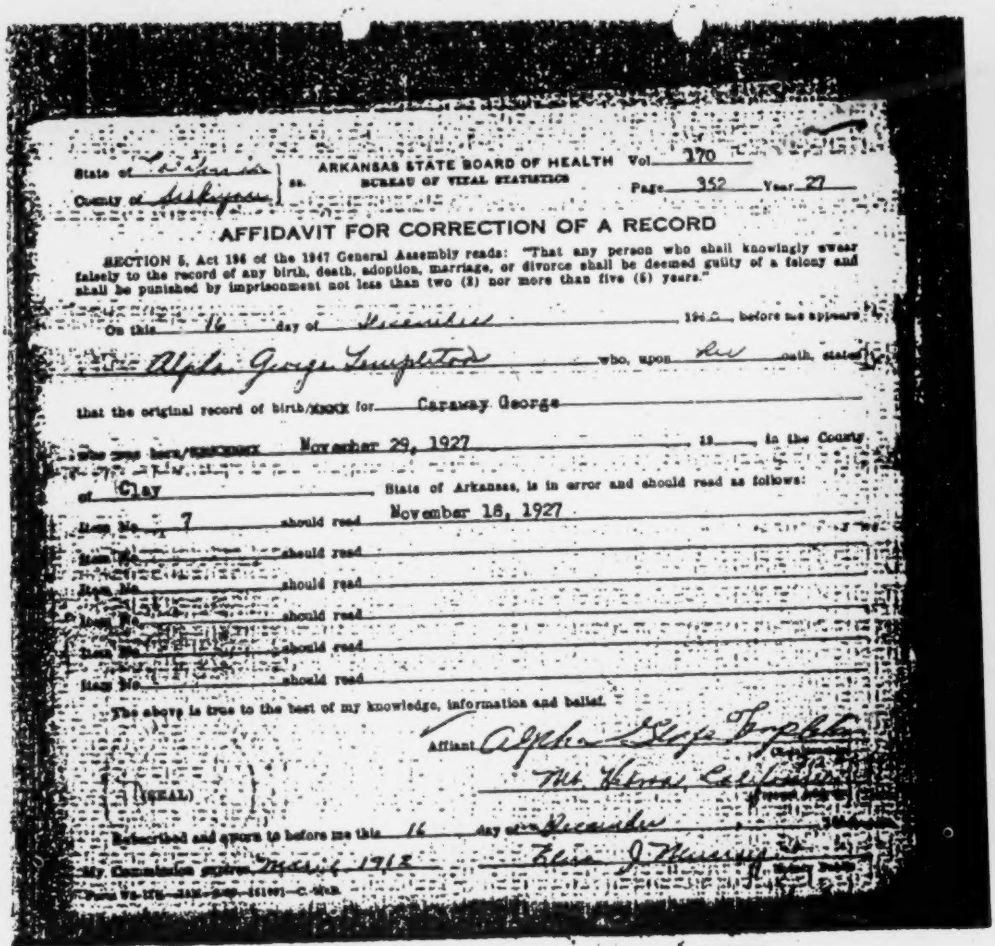
Sincerely,

Hazel E. Elbert

Director, Office of Indian Services

Exhibit #10B

Exhibit #11



State of [illegible]
County of Siskiyou } ss.

ARKANSAS STATE BOARD OF HEALTH
BUREAU OF VITAL STATISTICS

Vol. 370
Page 352 Year 27

AFFIDAVIT FOR CORRECTION OF A RECORD

SECTION 5, Act 196 of the 1947 General Assembly reads: "That any person who shall knowingly swear falsely to the record of any birth, death, adoption, marriage, or divorce shall be deemed guilty of a felony and shall be punished by imprisonment not less than two (2) nor more than five (5) years."

On this 16 day of December 19__, before me appears Alpha George Templeton who, upon her oath, states that the original record of birth/XXXX for Caraway George who was born/XXXXXX November 29, 1927 19__, in the County of Clay State of Arkansas, is in error and should read as follows:

Item No. 7 should read November 18, 1927
Item No. ____ should read ____
Item No. ____ should read ____
Item No. ____ should read ____
Item No. ____ should read ____
Item No. ____ should read ____

The above is true to the best of my knowledge, information and belief.

Affiant Alpha George Templeton
Mt. Hebron, California

(SEAL)

Subscribed and sworn to before me this 16 day of December
My Commission expires March 4, 1912 Elsie J. Murray

Form VS-[illegible]

THIS IS A CERTIFIED COPY OF AN ORIGINAL DOCUMENT

This to certify, that the above is an exact reproduction of the original certificate which is on file in this office and of which I am legal custodian. In testimony whereof, witness my hand and seal of office at Little Rock, Arkansas. (Do not accept if rephotographed, or if seal cannot be felt. The reproduction of this document is prohibited by law, Arkansas Statute 82-523).

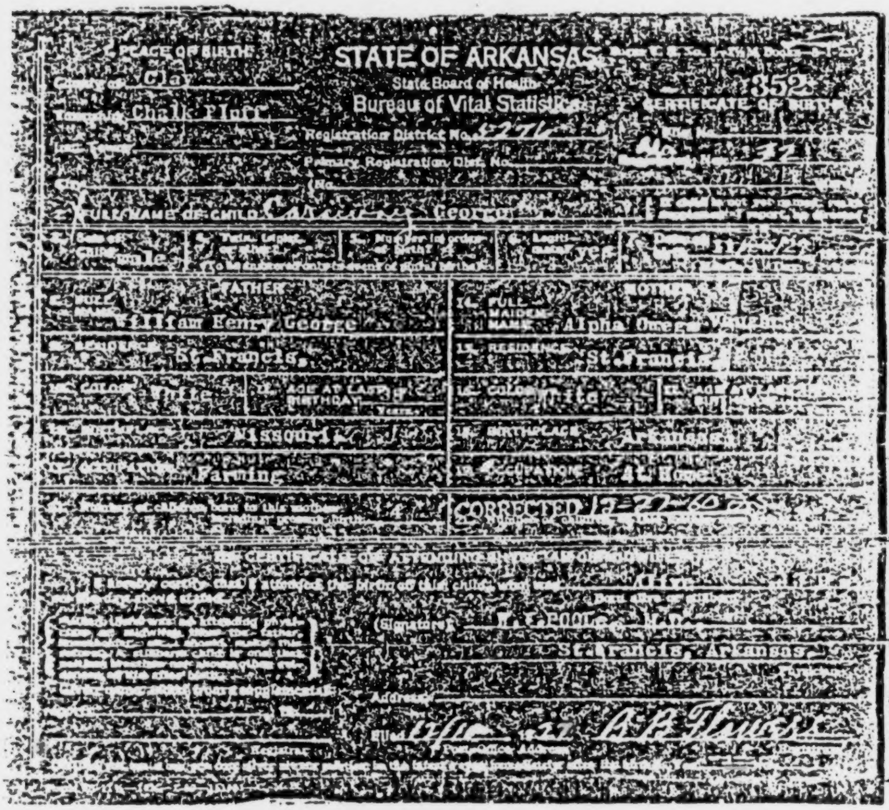
March 9, 1983
DATE

Henry C. Robinson, Jr.
STATE REGISTRAR

Birth Certificate
Caraway George
"Father"

Exhibit #1.

ARKANSAS STATE BOARD OF HEALTH
BUREAU OF VITAL STATISTICS



PLACE OF BIRTH
County of Clay
Township Chalk Bluff

STATE OF ARKANSAS
State Board of Health
Bureau of Vital Statistics
Registration District No. 5270
Primary Registration Dist. No.

352
CERTIFICATE OF BIRTH

FULL NAME OF CHILD [illegible] George

Sex of child male
Legitimate yes

FATHER
Full name William Henry George
Residence St. Francis
Color White
Age at last birthday [illegible] Years
Birthplace Missouri
Occupation Farming

MOTHER
Full maiden name Alpha Omega [illegible]
Residence St. Francis
Color White
Birthplace Arkansas
Occupation At Home

Number of children born to this mother 4

CORRECTED 12-27-60

CERTIFICATE OF ATTENDING PHYSICIAN OR MIDWIFE
I hereby certify that I attended the birth of this child
(Signature) [illegible] Poole
St. Francis, Arkansas
Address

Filed [illegible] 27 A. B. [illegible]
Registrar

THIS IS TO CERTIFY, That the above is a full, true and correct copy of the original certification which is on file in this office and of which I am legal custodian. IN TESTIMONY WHEREOF, witness my hand and seal of office at Little Rock, Arkansas.

Dec. 27, 1960 State Registrar J. T. Herron MD c.w

Oct 3, 1906

Dear Henry,

I don't know when you will get home as Joe [illegible] told me you are bringing all of your logging equipment home. We left on Oct 2, at 1 P.M. [illegible] the [illegible] [illegible] Jim has had a stroke. They put him in the baggage car. Dr. Gill said he may live days or years. Mary Bender and Jennie Wicks went on the passenger car. As soon as Joe gets Mary in a boarding house near where Jim will be hospitalized Joe and Jennie will be coming home. The reason Jim has been in such poor health he was in prison in Georgia. It took him 4 years to make it home after the war. Mary has taken care of Jim since 1865. He is a half brother to Jennie & full brother to Mary. The senior Jim Alex Married Ike's sister. Jim and Mary related to me four different ways. Jim is also my cousin. Henry keep this as a legal document as Ora Cole witnessed the writing.

Cole J.

Oct 2, 1906

He also knew all of my business affairs as he was present. I have been giving money to Jennie and Mary both over the years in small sums. When Mary came she brought the Bender family with her Julius, Joe, Lucy, Mary, Jennie Wicker. They had no shoes. Mary gave me legal custody of the child I had been trying to get her since her parents death. Custody of letter is locked in my desk. Your mother has the key around her neck you keep this letter. Your mother got a big handle made Julius and Joe Bender take baths. If your mother asks any questions try to answer them in German as she knows more German than Starfa. Cliff Whitcomb came the same day. Owens place on Sprague River I invested in Lake County Oregon. The bank at Lakeview has 8,000 in gold I have 30 days to get the cattle off and farm implements. They offered me 6 dollars a head for cattle. Cliff wants to buy the steam tractor and separator. He also will help me move the cattle. William Smith and John Bilt said they could use 10 head a day butchered and delivered to the mill and the mines.

Chas Cole J.P.

Oct 3, 1906

I gave the tractor and separator to Chaff it is worth over $6000.00. Chaff will take his whole crew and help me. Henry after we came back to California in 1866. Mr. Whitcomb Chaff father gave us cattle each winter. Also there been 68 letters wrote that you don't know about. Last Spring, after you left the U.S. Marshall from Sacramento came to Picard, Chaff saved his life as these guys were waiting for him. Chaff gun down 4 of them. U.S. Marshall Bedford asked Chaff if he knew of anyone that was faster with a gun he gave him your name. I have left money at the T. Jones Store. If Jim should die I believe he would want to be buried in Scott Valley or up the river with his brothers. Jime Father is 1/2 Shasta Jim and Mary Long Bender are full brother and sister. Jenni Nicks is a 1/2 sister.

Chas Cole Y.T.

(J.D.)

James D. George

Exhibit # 13

COPY

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

Application Number 3062

Application for enrollment
with the Indians of the State of California under
the Act of May 18, 1928 (45 Stat. L. 602)

The Secretary of the Interior,

Washington, D. C.

Sir:

I hereby make application for the enrollment of myself (and minor children living on May 18, 1928) as Indians of the State of California in accordance with the provisions of the Act of Congress of May 18, 1928 (45 Stat. L. 602). The evidence of identity is herewith subjoined.

1. State the full names, ages, sex, and dates of birth of yourself and your minor children living on May 18, 1928.

English Names	Indian Names		Ages	Sex	Dates of birth Month Day Year	[illegible]
Wicks, Charles	---	Head	73	M	6-5-1855	1/2
" , Clara	---	Dau	49	F	[illegible]-12-1879	1/2
" , [illegible]olson	---	Son	41	M	[illegible]-15-1887	1/2
" , Pearl C	---	Dau	39	F	11-15-1889	1/2

#3034 is a [illegible]

Note:- The applicant is a widower.

2. Residence on May 18, 1928 Fort Jones, Siskiyou County, California.

3. Post Office Fort Jones Siskiyou California.
Town or City, Box Number or Rural Route Number. County State

Note:- Does not live on Trust Lands.

4. Place of birth of yourself and each of your minor children

Siskiyou County, California.

Application Number 3062

Name Wicks, Charles

Action taken

Approved, July 15, 1929.

Exhibit #14

5. Where have you and your children resided since birth?

Siskiyou County, California.

6. Are you married? Yes- But I am now a widower.

7. If a married woman, give your name before you were married.

---

8. Name and exact date of birth (Month, Day, and Year) of your wife (or husban

Margaret Hicks. ---- Died 1901

9. Is he (or she) of Indian blood? If so, state the name of the Tribe or Band
degree of Indian blood.

Yes 1/2 Shasta, Siskiyou County, California.

10. What is your degree of Indian blood and to what Tribe or Band of Indians o
State of California do you belong?

1/2	Shasta Tribe, Siskiyou County, California.
Degree of Indian Blood	Name of Tribe or Band

11. To what Treaty or Treaties were you or your ancestors a party, and where di
(or they) reside on June 1, 1852? Where and when were said Treaties negoti

I do not know.

(Probably Scott's Valley)

12. Give the names of your California Indian ancestors living on June 1, 1852, through whom you claim, who were parties to any Treaty or Treaties with th United States. If you claim through more than one ancestor, living on that set forth each claim separately. State your descent from said ancestor or cestors setting forth your relationship to them.

Names	Tribe or Band	Relationship by Bl
Jennie Hicks	Shasta Tribe, Siskiyou County, California.	Mother

Exhibit #15

13. Give the names of the Chiefs, Captains and Headmen of the Tribe or Band to which your ancestors belonged on June 1, 1852, who executed the Treaty or Treaties herein referred to, if you know them.

I do not know.

4. What lands in the State of California do you claim were taken from you or your California Indian ancestors by the United States without compensation, or which were appropriated by the United States to its own purposes and for which the United States has refused or failed to compensate you?

In Siskiyou County, California.

Give names of your father and mother and your mother's name before her marriage. If either is a white person, so state.

Father— English Name Ned Hicks — White man (Degree of Indian Blood)

Indian Name

Mother— English Name Jennie Hicks — 4/4 (Degree of Indian Blood)

Indian Name

Maiden Name Jennie

Where were they born?

Father New York

Mother Siskiyou County, California.

When and where were your parents married?

Siskiyou County, California

Were they married in [illegible]

Exhibit # 16

19. Where did they reside after their marriage?

Siskiyou County, California.

20. Where did they reside on June 1, 1852, if living at that time?

Siskiyou County, California.

21. Dates of death of your father and mother.

Father 1928 Mother 1916

22. Were you or your minor children or either of your parents ever enrolled
land or other benefits?

No

23. If so, give the number of your allotment, state where it is located, and t
of the Indian School or Agency under whose jurisdiction it now is.

Never allotted.

24. If enrolled on a Census Roll, state your Census Roll Number on the Censu
of June 30, 1928, and the name of the Indian School or Agency under whose
isdiction you are.

None taken in 1928
Census Roll No. June 30, 1928

Sacramento Indian Agency,
Sacramento, California.
Name of Indian School or Agen

25. State the amount and kind of property you now own, and what is your occup

House and lot in Quartz Valley.

Occupation--- Too old to work.

Value of Property--- $2,000.00

26. State English and Indian names of your grandparents on both father's and
er's side, if possible. If any are white persons so state.

Father's Side		Mother's Side	
Names	Degree of Indian Blood.	Names	Degree of I Blood.
White people		Unknown	4/4

Exhibit #18

AFFIDAVIT

(The following affidavit must be sworn to by two or more witnesses who well acquainted with the applicant.)

Personally appeared before me Peter Flores and Carrie Vetteler who, being duly sworn, on oath depose say that they are well acquainted with Charles Wing, who makes the foregoing application and statements and have known him personally for 25 years and 40 years respectively that they k that he is of California Indian blood of the degree and lineage statec the above application and that the facts stated with reference to his ancest the parentage of his children, their ages and degree of Indian blood, their places of residence are true; that they know him to be the ident person he represents himself to be, and that all statements made by are true, to the best of their knowledge and belief and that they have no in est whatever in his claim.

Witnesses to Mark | Signature of Witnesses

Pete Flores
Carrie Vattale

Subscribed and sworn to before me this 15th d

July, 1929

My commission expires

Fred A. Mil
Examiner

Exhibit #19

10-030287

PLACE OF BIRTH

County of Siskiyou

Town of

City of Yreka

(No. S; (Ward)

CALIFORNIA STATE BOARD OF HEALTH

BUREAU OF VITAL STATISTICS

DUPLICATE CERTIFICATE OF BIRTH

State Index No.

LOCAL REGISTERED NO.

[If birth occurred in a Hospital or Institution, give its NAME instead of street and number]

Full Name of Child Frederick Lee Hicks

[If child is not yet named, make supplemental report, as directed.]

Date of birth January (Month) 23 (Day), 1910 (Year)

PERSONAL AND STATISTICAL PARTICULARS

SEX OF CHILD	M.	COLOR OR RACE OF CHILD	
TWIN, TRIPLET, OR OTHER?		AND NUMBER IN ORDER OF BIRTH	
LEGITIMATE?	Yes		

	FATHER		MOTHER
FULL NAME	Fred Hicks	FULL MAIDEN NAME	Annie Gertrude Shaw
RESIDENCE	Yreka	RESIDENCE	Yreka
COLOR OR RACE	Half Breed Indian	COLOR OR RACE	White
AGE AT LAST BIRTHDAY (Years)	28	AGE AT LAST BIRTHDAY (Years)	20
BIRTHPLACE (State or Country)	California	BIRTHPLACE (State or Country)	Pennsylvania
OCCUPATION	Laborer	OCCUPATION	Housewife

Number of child of this mother 3

Number of children, of this mother, now living 1

CERTIFICATE OF ATTENDING PHYSICIAN OR MIDWIFE*

I hereby certify that I attended the birth of this child, and that it occurred on Jan 23, 1910, at 4 P.M.

(Signature) F. J. McNulty

Physician (Physician or midwife)

Address Yreka

Filed Feb 1, 1910 Eugene Dowling Registrar.

*When there was no attending physician or midwife, then the father, householder etc., should make this return.

Given name added from a supplemental report , 190

Registrar.

STATE OF CALIFORNIA, COUNTY OF SISKIYOU: I, Ernest T. Johnson, County Recorder and Registrar of Vital Statistics for said County, do hereby certify the annexed to be a true, full and correct transcript of the record of an instrument, as the same is recorded in my office in Book 3 of Reg. Birth Page 288 IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official Seal this 23rd day of November 1970

1208

Fee: $2.00 Paid

Ernest T. Johnson

Recorder

CERTIFICATE OF DEATH
STATE OF CALIFORNIA

STATE FILE NUMBER

LOCAL REGISTRATION DISTRICT AND CERTIFICATE NUMBER: 4700-164

DECEDENT PERSONAL DATA

1A. NAME OF DECEDENT—FIRST: WINNIE
1B. MIDDLE: E.
1C. LAST: NELSON
2A. DATE OF DEATH: June 18, 1983
2B. HOUR: 1455
3. SEX: Female
4. RACE/ETHNICITY: Cau/Am.Ind.
5. SPANISH/HISPANIC: NO
6. DATE OF BIRTH: June 27, 1884
7. AGE: 98 YEARS
8. BIRTHPLACE OF DECEDENT: California
9. NAME AND BIRTHPLACE OF FATHER: William Dietrich - Oregon
10. BIRTH NAME AND BIRTHPLACE OF MOTHER: Ella Snellin- Calif.
11. CITIZEN OF WHAT COUNTRY: U.S.A.
12. SOCIAL SECURITY NUMBER: 542-18-3630D
13. MARITAL STATUS: Widowed
14. NAME OF SURVIVING SPOUSE: ——
15. PRIMARY OCCUPATION: Homemaker
16. NUMBER OF YEARS THIS OCCUPATION: —
17. EMPLOYER: —
18. KIND OF INDUSTRY OR BUSINESS: —

USUAL RESIDENCE

19A. USUAL RESIDENCE—STREET ADDRESS: Star Rte 3
19B.
19C. CITY OR TOWN: Yreka
19D. COUNTY: Siskiyou
19E. STATE: California
20. NAME AND ADDRESS OF INFORMANT—RELATIONSHIP:
Russell King- nephew
525 South St.
Yreka, Calif. 96097

PLACE OF DEATH

21A. PLACE OF DEATH: Siskiyou General Hospital
21B. COUNTY: Siskiyou
21C. STREET ADDRESS: 818 So. Main St.
21D. CITY OR TOWN: Yreka

CAUSE OF DEATH

22. DEATH WAS CAUSED BY: (ENTER ONLY ONE CAUSE PER LINE FOR A, B, AND C)
IMMEDIATE CAUSE
(A) Renal failure
DUE TO, OR AS A CONSEQUENCE OF
(B) ASCVD
DUE TO, OR AS A CONSEQUENCE OF
(C)
APPROXIMATE INTERVAL BETWEEN ONSET AND DEATH
24. WAS DEATH REPORTED TO CORONER: no
25. WAS BIOPSY PERFORMED:
26. WAS AUTOPSY PERFORMED: no
23. OTHER CONDITIONS CONTRIBUTING BUT NOT RELATED TO THE IMMEDIATE CAUSE OF DEATH: Cholecystitis - lithiasis
27. WAS OPERATION PERFORMED: Cholecystectomy 6/13/83

PHYSICIAN'S CERTIFICATION

28A. I ATTENDED DECEDENT SINCE: Aug 1976 — I LAST SAW DECEDENT ALIVE: 6/18/83
28C. DATE SIGNED: 6/20/83
28D. PHYSICIAN'S LICENSE NUMBER: G 7082
28E. TYPE PHYSICIAN'S NAME AND ADDRESS: R.H. Alley, Jr. M.D. 105 E. Oberlin Rd., Yreka, CA..

INJURY INFORMATION — CORONER'S USE ONLY

29. SPECIFY ACCIDENT, SUICIDE, ETC.
30. PLACE OF INJURY
31. INJURY AT WORK
32A. DATE OF INJURY
32B. HOUR
33. LOCATION
34. DESCRIBE HOW INJURY OCCURRED
35A.
35B. CORONER—SIGNATURE AND DEGREE OR TITLE
35C. DATE SIGNED

36. DISPOSITION: Burial
37. DATE: 6-21-83
38. NAME AND ADDRESS OF CEMETERY OR CREMATORY: Evergreen Cemetery, Yreka, Calif.
39. EMBALMER'S LICENSE NUMBER AND SIGNATURE: 7264
40A. NAME OF FUNERAL DIRECTOR: Girdner Funeral Chapel
40B. LICENSE NO.: 201
41. LOCAL REGISTRAR—SIGNATURE: P.K. Bley By Jeanne L Lam
42. DATE ACCEPTED BY LOCAL REGISTRAR: JUN 21 1983

STATE REGISTRAR: 17817
A. | B. | C. | D. | E. | F.

VS-11 (6-82)

STATE OF CALIFORNIA, COUNTY OF SISKIYOU: I, P. K. Bley, County Recorder and Registrar of Vital Statistics for said County, do hereby certify the annexed to be a true, full and correct transcript of the record of an instrument, as the same is recorded in my office in Book 29 of Reg of Death Page 80. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official Seal this 11th day of July 19 83

55

Recorder

Fee:$4.00 Paid

Exhibit #31 20

1 PLACE OF DEATH. DIST. No. 1750
(To be inserted by Registrar)
COUNTY OF SISKIYOU
Town of 7 . . .
or Rural Registration District Yreka

California State Board of Health
BUREAU OF VITAL STATISTICS

STANDARD CERTIFICATE OF DEATH

Local Registered No. 123

(No. ______ St. ______ Ward) (If death occurred in a hospital or institution, give its NAME instead of street and number.)

2 FULL NAME Bessie Snelling

PERSONAL AND STATISTICAL PARTICULARS

3 SEX Female
4 COLOR OR RACE Indian
5 SINGLE, MARRIED, WIDOWED, OR DIVORCED (Write the word) widowed
5a If married, widowed, or divorced HUSBAND of (or) WIFE of
6 DATE OF BIRTH unknown (Month) (Day) (Year)
7 AGE about 118 years ______ months ______ days | If less than 1 day ______ hrs. or ______ min.
8 OCCUPATION (a) Trade, profession, or particular kind of work Housewife
(b) General nature of industry, business, or establishment in which employed (or employer)
(c) Name of employer
9 BIRTHPLACE (State or country city or town) Hornbrook Calif

PARENTS
10 NAME OF FATHER unknown
11 BIRTHPLACE OF FATHER (city or town) (State or country) unknown
12 MAIDEN NAME OF MOTHER unknown
13 BIRTHPLACE OF MOTHER (city or town) (State or country) unknown

13a LENGTH OF RESIDENCE
At Place of Death 118 years ______ months ______ days
(Primary registration district)
(If nonresident, give city or town and state)
In California 118 years ______ months ______ days
How long in U. S., if of foreign birth? ______ years ______ months ______ days

14 THE ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE
(Informant) Mrs Winnie Nelson
(Address) Gottville, Calif

15 Filed Dec 9 1928 Kate L Pickel
Registrar or Deputy

MEDICAL CERTIFICATE OF DEATH

16 DATE OF DEATH December 8, 1928
(Month) (Day) (Year)

17 I Hereby Certify, That I attended deceased from Jan 1, 1923 to Dec 8 1928
that I last saw her alive on Dec 7 1928
and that death occurred on the date stated above at 1:00 p.m.

The Cause of Death* was as follows:

chronic myocarditis

(Duration) several months ______ days

Contributory acute dilatation of heart

(Duration) ______ years ______ months ______ days

18b Where was disease contracted if not at place of death? ✓

Did an operation precede death? no Date of

Was there an autopsy? no

What test confirmed diagnosis? clinical

(Signed) Robt H Feeney M. D.

Dec 8 1928 (Address) Yreka, Calif

*State the DISEASE CAUSING DEATH, or, in deaths from VIOLENT CAUSES, state (1) MEANS OF INJURY; and (2) whether (probably) ACCIDENTAL, SUICIDAL, or HOMICIDAL. (See reverse side for additional space.)

19 PLACE OF BURIAL OR REMOVAL Yreka, Calif
DATE OF BURIAL Dec 9 1928

20 UNDERTAKER J E Turner & Sons
ADDRESS Yreka, Calif
EMBALMER'S LICENSE No. 1249

STATE OF CALIFORNIA, COUNTY OF SISKIYOU: I, P. K. Bley, County Recorder and Registrar of Vital Statistics for said County, do hereby certify the annexed to be a true, full and correct transcript of the record of an instrument, as the same is recorded in my office in Book 8 of Reg. Death Page 92 IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official Seal this 10th day of January 1983

1979

Fee: $4.00 Paid

______, Recorder

Exhibit ~~#32~~ 21

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

Application Number 3132

Application for enrollment
with the Indians of the State of California under
the Act of May 18, 1928 (45 Stat. L. 602)

The Secretary of the Interior,

Washington, D. C.

Sir:

I hereby make application for the enrollment of myself (and minor children living on May 18, 1928) as Indians of the State of California in accordance with the provisions of the Act of Congress of May 18, 1928 (45 Stat. L. 602). The evidence of identity is herewith subjoined.

1. State the full names, ages, sex, and dates of birth of yourself and your minor children living on May 18, 1928.

English Names	Indian Names		Ages	Sex	Dates of birth Month Day Year	Deg
elson, Winnie Elsie	---	Wife	43	F	6-27-1885	1/2
rautlacht, Serena W.	---	Dau	19	F	2-14-1909	3/8
elson, Andrew Dawn Uriah	--	Son	5	M	4-27-1923	1/2
elson, Neomia Nona **	---	Dau	7	F	9-7-1921	1/2

** (Died December 15, 1928)

ote:- See application of George W. Nelson, husband, Gottville, Calif.

Application No. 3131

. Residence on May 18, 1928 Gottville, Siskiyou County, California.

. Post Office Gottville Siskiyou California.
Town or City, Box Number or Rural Route Number. County State

te:- Does not live on Trust Lands.

Place of birth of yourself and each of your minor children

Siskiyou County, California.

-1-

Application Number 3132
Name Nelson, Winnie Elsie
Action taken
Approved, July 11, 1929.

Exhibit ~~# 33~~

[illegible] residec [illegible]

[illegible] [illegible] before [illegible]

George W. Nelson--- Born June 5, [illegible]

9. Is he (or she) of Indian blood? If so, state the name of the Tribe or Band, and degree of Indian blood.

[illegible]

[illegible] blood and [illegible]

[illegible]

13. Give the names of the Chiefs, Captains and Headmen of the Tribe or Band to which your ancestors belonged on June 1, 1852, who executed the Treaty or Treaties herein referred to, if you know them.

I do not know.

14. What lands in the State of California do you claim were taken from you or your California Indian ancestors by the United States without compensation, or which were appropriated by the United States to its own purposes and for which the United States has refused or failed to compensate you?

In Siskiyou County, California.

15. Give names of your father and mother and your mother's name before her marriage. If either is a white person, so state.

Father— English Name William Dedrick

White man. Degree of Indian Blood

Indian Name

Mother— English Name Ella Johnson, formerly Dedrick

4/4 Degree of Indian Blood

Indian Name

Maiden Name Ella Snelling.

16. Where were they born?

Father Siskiyou County, California.

Mother " "

17. When and where were your parents married?

Siskiyou County, California.

18. How were they married, in accordance with the law, or by Indian custom?

By law.

Exhibit #35

[illegible] they reside after their marriage?

On Klamath River, Siskiyou County, California.

20. Where did they reside on June 1, 1852, if living at that time?

Not living at that time.

21. Dates of death of your father and mother.

Father Now living. Mother About 1923- age above 50 years.

22. Were you or your minor children or either of your parents ever enrolled for any land or other benefits?

No.

23. If so, give the number of your allotment, state where it is located, and the name of the Indian School or Agency under whose jurisdiction it now is.

Never allotted.

24. If enrolled on a Census Roll, state your Census Roll Number on the Census Roll of June 30, 1928, and the name of the Indian School or Agency under whose jurisdiction you are.

None taken at that time. ~~[illegible]~~
Census Roll No. June 30, 1928

Sacramento Indian Agency, Sacramento, California.
Name of Indian School or Agency

25. State the amount and kind of property you now own, and what is your occupation.

I have no separate property.

Occupation---Housewife.

26. State English and Indian names of your grandparents on both father's and mother's side, if possible. If any are white persons so state.

Father's Side		Mother's Side	
Names	Degree of Indian Blood.	Names	Degree of Indian Blood.
White people.		Unknown	4/4
"		Bessie Snelling	4/4

Exhibit # 36.

27. Where were they born?

Mother's parents--- Siskiyou County, California.

28. Where did they reside during their lives, and where were they living on June 1, 1852?

Siskiyou County, California.

29. To expedite identification, claimants should give the full English and Indian names, if possible, of their paternal and maternal California Indian ancestors back to June 1, 1852, the name of the Tribe or Band to which they belonged and where they resided on that date.

REMARKS

(Under this head the applicant may give any additional information that he believes will assist in proving his claims.)

I solemnly swear that the foregoing statements made by me are true to the best f my knowledge and belief.

(Signature) Winnie Elsie Nelson

Subscribed and sworn to before me this 11th day of

July, 1929.

y commission expires

Fred A. Baker
Examiner of Inheritance.

INFORMATION REQUIRED FOR DETERMINING DEGREE OF INDIAN BLOOD

Name: Frank Offield Date of Birth: 2-12-1854
Tribe: ______ Roll #3403 Degree of Indian blood: 1/2

FATHER'S FAMILY HISTORY

Taken from app. # 3403

William Offield
Father's Name
DOB ______ Roll# ______
Tribe White
Degree of Indian Blood 0
DOD. 1905

Grandfather's Name
DOB ______ Roll# ______
Tribe ______
Degree of Indian Blood ______

Great Grandfather's Name
DOB ______ Roll# ______
Tribe ______
Degree of Indian Blood ______

Great Grandmother's Maiden Name
DOB ______ Roll# ______
Tribe ______
Degree of Indian Blood ______

Grandmother's Maiden Name
DOB ______ Roll# ______
Tribe ______
Degree of Indian Blood ______

Great Grandfather's Name
DOB ______ Roll# ______
Tribe ______
Degree of Indian Blood ______

Great Grandmother's Maiden Name
DOB ______ Roll# ______
Tribe ______
Degree of Indian Blood ______

MOTHER'S FAMILY HISTORY

not maiden name ↓

Sallie Offield
Mother's Maiden Name
DOB ______ Roll# ______
Tribe Shivits
Degree of Indian Blood 4/4
DOD. 1915

Unknown
Grandfather's Name
DOB ______ Roll# ______
Tribe ______
Degree of Indian Blood ______

Great Grandfather's Name
DOB ______ Roll# ______
Tribe ______
Degree of Indian Blood ______

Great Grandmother's Maiden Name
DOB ______ Roll# ______
Tribe ______
Degree of Indian Blood ______

Unknown
Grandmother's Maiden Name
DOB ______ Roll# ______
Tribe ______
Degree of Indian Blood ______

Great Grandfather's Name
DOB ______ Roll# ______
Tribe ______
Degree of Indian Blood ______

Great Grandmother's Maiden Name
DOB ______ Roll# ______
Tribe ______
Degree of Indian Blood ______

Certified: ______
Title: ______
Date: ______

Exhibit ~~# 38~~
27

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

Application Number 3403

Application for enrollment
with the Indians of the State of California under
the Act of May 18, 1928 (45 Stat. L. 602)

Application Number 3403
Name Offield, Frank
Action taken Approved, August 3, 1929.

The Secretary of the Interior,

Washington, D. C.

Sir:

I hereby make application for the enrollment of myself (and minor children living on May 18, 1928) as Indians of the State of California in accordance with the provisions of the Act of Congress of May 18, 1928 (45 Stat. L. 602). The evidence of identity is herewith subjoined.

1. State the full names, ages, sex, and dates of birth of yourself and your minor children living on May 18, 1928.

English Names	Indian Names		Ages	Sex	Dates of birth Month Day Year	Deg
Offield, Frank	--	Head	54	M	2-12-1854	1/2

Note:- See application of Annie Offield, Somes Bar, Siskiyou County, California. Wife. App. No. 3404

2. Residence on May 18, 1928 Somes Bar, Siskiyou Co., California.

3. Post Office Somes Bar | Siskiyou | California.
Town or City, Box Number or Rural Route Number. County State

Note:- Does not live on Trust Lands.

4. Place of birth of yourself and each of your minor children
Siskiyou County, California.

Exhibit # 39

your children resided since birth?

Siskiyou County, California.

6. Are you married? Yes.

7. If a married woman, give your name before you were married.

---

8. Name and exact date of birth (Month, Day, and Year) of your wife (or husband).

1. Susie Offield-- Died 1912.

2. Mamie Offield--- 10-29-1885, about.

9. Is he (or she) of Indian blood? If so, state the name of the Tribe or Band, and degree of Indian blood.

1. Yes 1/2 Klamath River, Siskiyou County, California.

2. Yes. 4/4 Klamath River, Siskiyou County, California.

10. What is your degree of Indian blood and to what Tribe or Band of Indians of the State of California do you belong?

	Shasta, Siskiyou County,
1/2	California.
Degree of Indian Blood	Name of Tribe or Band

11. To what Treaty or Treaties were you or your ancestors a party, and where did you (or they) reside on June 1, 1852? Where and when were said Treaties negotiated?

I do not know.

(Probably Scotts Valley, Oct. 6, 1851)

12. Give the names of your California Indian ancestors living on June 1, 1852, through whom you claim, who were parties to any Treaty or Treaties with the United States. If you claim through more than one ancestor living on that date, set forth each claim separately. State your descent from said ancestor or ancestors setting forth your relationship to them.

Names	Tribe or Band	Relationship by Blood
Sallie Offield	Shasta, Siskiyou County California.	Mother.

(See Nos. 13 and 26)

Exhibit 4-40

.911

13. Give the names of the Chiefs, Captains and Headmen of the Tribe or Band to which your ancestors belonged on June 1, 1852, who executed the Treaty or Treaties herein referred to, if you know them.

I do not know.

14. What lands in the State of California do you claim were taken from you or your California Indian ancestors by the United States without compensation, or which were appropriated by the United States to its own purposes and for which the United States has refused or failed to compensate you?

In Siskiyou and Humboldt Counties, California.

15. Give names of your father and mother and your mother's name before her marriage. If either is a white person, so state.

Father— English Name William Offield — White man (Degree of Indian Blood)

Indian Name

Mother— English Name Sallie Offield — 4/4 (Degree of Indian Blood)

Indian Name

Maiden Name Sallie

16. Where were they born?

Father Missouri

Mother Siskiyou County, California.

17. When and where were your parents married?

Siskiyou County, California.

18. How were they married, in accordance with the law, or by Indian custom?

By law

Exhibit #41

19. Where did they reside after their marriage?

Siskiyou County, California.

20. Where did they reside on June 1, 1852, if living at that time?

Siskiyou County, California.

21. Dates of death of your father and mother.

Father 1905 Mother 1918 - age 70 years

22. Were you or your minor children or either of your parents ever enrolled for any land or other benefits?

No

23. If so, give the number of your allotment, state where it is located, and the name of the Indian School or Agency under whose jurisdiction it now is.

Never allotted.

24. If enrolled on a Census Roll, state your Census Roll Number on the Census Roll of June 30, 1928, and the name of the Indian School or Agency under whose jurisdiction you are.

None taken in 1928.	Sacramento, California.
Census Roll No. June 30, 1928	Name of Indian School or Agency

25. State the amount and kind of property you now own, and what is your occupation.

Homestead, 70 acres, house;

Occupation--- Rancher.

Value of property-- $4,000.00

26. State English and Indian names of your grandparents on both father's and mother's side, if possible. If any are white persons so state.

Father's Side		Mother's Side	
Names	Degree of Indian Blood.	Names	Degree of Indian Blood.
White people		Unknown	4/4
"		"	4/4

Exhibit ~~# 42~~

31

27. Where were they born?

Siskiyou County, California.

28. Where did they reside during their lives, and where were they living on June 1, 1852?

Siskiyou County, California.

29. To expedite identification, claimants should give the full English and Indian names, if possible, of their paternal and maternal California Indian ancestors back to June 1, 1852, the name of the Tribe or Band to which they belonged and where they resided on that date.

REMARKS

(Under this head the applicant may give any additional information that he believes will assist in proving his claims.)

I solemnly swear that the foregoing statements made by me are true to the best of my knowledge and belief.

(Signature) Frank P. Offield

Subscribed and sworn to before me this 3rd day of August, 1929

My commission expires

Examiner of Inheritance.

Exhibit ~~# 43~~ 32

INFORMATION REQUIRED FOR DETERMINING DEGREE OF INDIAN BLOOD

Name: Robert F. Offield (Bob) Date of Birth: 3-30-1897
Tribe: Shasta Roll #3402 Degree of Indian Blood: 1/

FATHER'S FAMILY HISTORY

Great Grandfather's Name
DOB_____ Roll#_____
Tribe_____
Degree of Indian Blood_____

Offield
Grandfather's Name
DOB_____ Roll#_____
Tribe White
Degree of Indian Blood —

Great Grandmother's Maiden
DOB_____ Roll#_____
Tribe_____
Degree of Indian Blood_____

Frank Offield
Father's Name
DOB_____ Roll#3403
Tribe Shasta
Degree of Indian Blood 1/2

Great Grandfather's Name
DOB_____ Roll#_____
Tribe_____
Degree of Indian Blood_____

Sallie Offield
Grandmother's Maiden Name
DOB_____ Roll#_____
Tribe_____
Degree of Indian Blood 4/4

Great Grandmother's Maiden
DOB_____ Roll#_____
Tribe_____
Degree of Indian Blood_____

MOTHER'S FAMILY HISTORY

Great Grandfather's Name
DOB_____ Roll#_____
Tribe_____
Degree of Indian Blood_____

Andy Merrill
Grandfather's Name
DOB_____ Roll#_____
Tribe White
Degree of Indian Blood_____

Great Grandmother's Maiden
DOB_____ Roll#_____
Tribe_____
Degree of Indian Blood_____

~~(Tripp)~~
Susie Offield
Mother's Maiden Name
DOB_____ Roll#_____
Tribe_____
Degree of Indian Blood 1/2

Great Grandfather's Name
DOB_____ Roll#_____
Tribe_____
Degree of Indian Blood_____

English name unknown
Grandmother's Maiden Name
DOB_____ Roll#_____
Tribe_____
Degree of Indian Blood 4/4

Great Grandmother's Maiden
DOB_____ Roll#_____
Tribe_____
Degree of Indian Blood_____

Certified: _____
Title: _____
Date: _____

Exhibit ~~# 44~~
33

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

Application Number 3402

Application for enrollment
with the Indians of the State of California under
the Act of May 18, 1928 (45 Stat. L. 602)

The Secretary of the Interior,
Washington, D. C.

Sir:

I hereby make application for the enrollment of myself (and minor children living on May 18, 1928) as Indians of the State of California in accordance with the provisions of the Act of Congress of May 18, 1928 (45 Stat. L. 602). The evidence of identity is herewith subjoined.

1. State the full names, ages, sex, and dates of birth of yourself and your minor children living on May 18, 1928.

English Names	Indian Names		Ages	Sex	Dates of birth Month Day Year	Deg
Offield, Robert F.	---	Head	31	F	3-30-1897	1/2

Note:- The wife of the applicant is not a California Indian.

2. Residence on May 18, 1928 Somes Bar, Siskiyou County, California.

3. Post Office Siletz, Box #55 (Town or City, Box Number or Rural Route Number) Lincoln (County) California.? (State)

4. Place of birth of yourself and each of your minor children
Somes Bar, Siskiyou County, California.

Application Number 3402
Name Offield, Robert F.
Action taken Approved, August 1, 1929.

Exhibit ~~# 45~~ 34

[illegible] and Linco[illegible]

[illegible] of [illegible] you were [illegible]

[illegible] and fear[illegible]

Ce[illegible] O[illegible]field- Age 38 year[illegible] old.

Is he (or she) of Indian blood? If so, state the name of the Tribe or Band, and degree of Indian blood.

[illegible] Siletz, Siletz In[illegible]an Reservat[illegible], [illegible]

[illegible] at Tr[illegible] Klamath [illegible]

[illegible]unty, C[illegible]

[illegible]

[illegible] ancestors [illegible]

[illegible] when wer[illegible]

[illegible]October [illegible]

[illegible] before [illegible] Treat[illegible] descen[illegible]

[illegible]

[illegible] Siskiyo[illegible]

13. Give the names of the Chiefs, Captains and Headmen of the Tribe or Band to which your ancestors belonged on June 1, 1852, who executed the Treaty or Treaties herein referred to, if you know them.

I do not know.

14. What lands in the State of California do you claim were taken from you or your California Indian ancestors by the United States without compensation, or which were appropriated by the United States to its own purposes and for which the United States has refused or failed to compensate you?

In Siskiyou and Humboldt Counties,

California.

15. Give names of your father and mother and your mother's name before her marriage. If either is a white person, so state.

Father— English Name Frank Offield — 1/2 Degree of Indian Blood

Indian Name

Mother— English Name Susie Offield — 1/2 Degree of Indian Blood

Indian Name

Maiden Name Susie

16. Where were they born?

Father Siskiyou County, California.

Mother " "

17. When and where were your parents married?

Siskiyou County, California.

18. How were they married, in accordance with the law, or by Indian custom?

By law

Exhibit ~~# 47~~

36

27. Where were they born?

Siskiyou and Humboldt Counties, California.

28. Where did they reside during their lives, and where were they living on June 1, 1852?

Siskiyou and Humboldt Counties, California.

29. To expedite identification, claimants should give the full English and Indian names, if possible, of their paternal and maternal California Indian ancestors back to June 1, 1852, the name of the Tribe or Band to which they belonged and where they resided on that date.

REMARKS

(Under this head the applicant may give any additional information that he believes will assist in proving his claims.)

I solemnly swear that the foregoing statements made by me are true to the best of my knowledge and belief.

(Signature) Robert T. Offield

Subscribed and sworn to before me this 1st day of August, 1929.

My commission expires

AFFIDAVIT

(The following affidavit must be sworn to by two or more witnesses who are well acquainted with the applicant.)

Personally appeared before me Luther Hickox and Lizzie Hickox who, being duly sworn, on oath depose and say that they are well acquainted with Robert F. Offield who makes the foregoing application and statements, and have known him personally for 30 years and 30 years, respectively; that they know that he is of California Indian blood of the degree and lineage stated in the above application and that the facts stated with reference to his ancestors, the parentage of his children, their ages and degree of Indian blood, and their places of residence are true; that they know him to be the identical person he represents himself to be, and that all statements made by him are true, to the best of their knowledge and belief, and that they have no interest whatever in his claim.

Witnesses to Mark	Signature of Witnesses
	Luther Hickox
	Mrs Lizzie Hickox

Subscribed and sworn to before me this 1st day of August, 19 29.

My commission expires

Fred A Baker
Examiner of Inheritance.

Exhibit #50

INSTRUCTIONS TO APPLICANTS

This application form is for the use of persons claiming the right to enrollment with the Indians of the State of California under the provisions of the Act of Congress of May 18, 1928 (45 Stat. L. 602).

The application blank must be filled in with pen and ink or typewriter, preferably by the use of a typewriter.

Answers should be brief but explicit; the words, "Yes", "No", "Unknown" may be used in cases where applicable. Read the questions carefully.

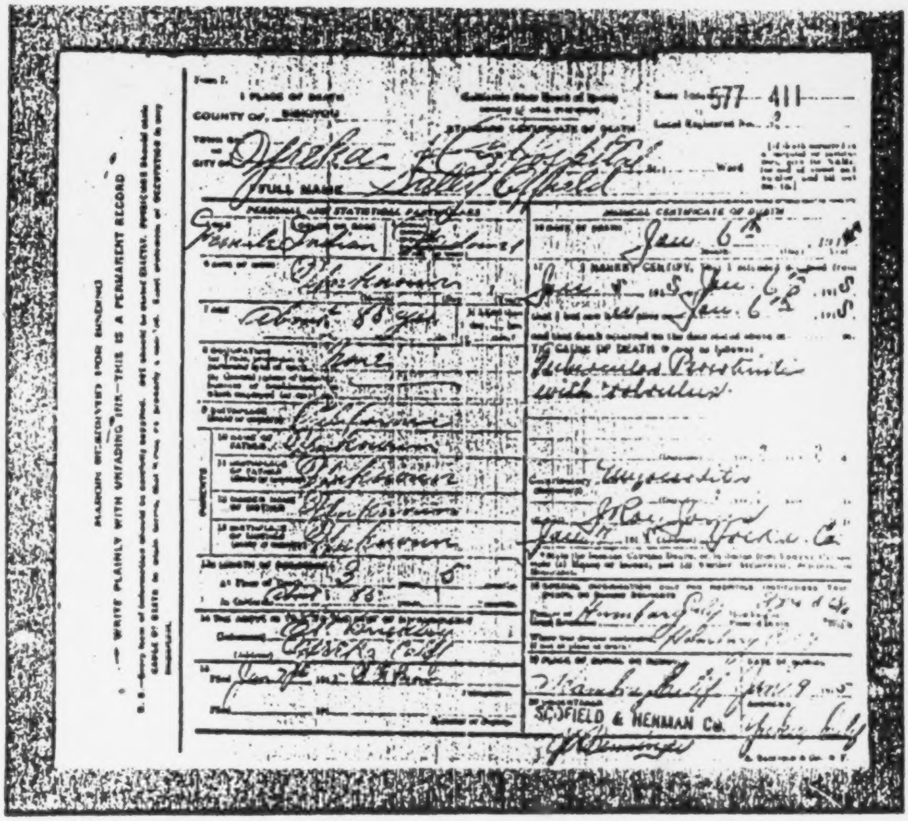
In any inquiry where the applicant can not furnish the information called for in the blank, he or she should so state.

In case more space is needed to answer any of the inquiries contained in the blank form, extra sheets of paper may be used, the answer to carry the same number as the inquiry.

The applicant should submit the affidavits of at least two disinterested witnesses corroborative of the statements made in his or her own affidavit, on the blank form following the application.

Great care should be taken to write legibly the answers to all of the inquiries. All officials and employees of the Indian Service will be instructed to offer proper assistance to any person claiming to be an Indian of the State of California in the preparation of his or her application for enrollment. Applicants, where possible, should solicit such aid in order to insure that the application is in proper form.

Exhibit ~~# 31~~



MARGIN RESERVED FOR BINDING

WRITE PLAINLY WITH UNFADING INK—THIS IS A PERMANENT RECORD

1 PLACE OF DEATH

COUNTY OF SISKIYOU

STANDARD CERTIFICATE OF DEATH

577 411

Yreka

FULL NAME Sally Offield

PERSONAL AND STATISTICAL PARTICULARS

MEDICAL CERTIFICATE OF DEATH

Female Indian

Jan 6th 1915

Unknown

I HEREBY CERTIFY,

Jan 5 1915 Jan 6 1915

Jan 6 1915

About 88 yrs

THE CAUSE OF DEATH* was as follows:

None

with

California

Unknown

Unknown

Unknown

Unknown

Jan 1915 Yreka Co

Yreka Calif

Jan 7th 1915

Jan 9 1915

SCOFIELD & HENMAN Co.

Yreka Calif

STATE OF CALIFORNIA, COUNTY OF SISKIYOU: I, P. K. Bley, County Recorder and Registrar of Vital Statistics for said County, do hereby certify the annexed to be a true, full and correct transcript of the record of an instrument, as the same is recorded in my office in Book ....of Film 2 of Deaths 2133

Page..--.. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official Seal this 21st day of

January 1983

Fee:$4.00 Paid

...., Recorder

Exhibit #52

February 11, 1987

William E. Hammet
Administrative Law Judge
United States of the Interior
Office of Hearings and Appeals
2020 Hurley Way Suite 150
Sacramento, CA 95825

Dear Mr. Hammet;

Enclosed is the information you requested, and a geneaölogy chart showing my brothers and sisters. Also, enclosed is the sale of my mothers property in Siskiyou County on May 11, 1962 and the purchase of property in Shasta County on August 3, 1962, my mother and step-father resided on this property after this date; and were living in Shasta County at the time of the Julius Bender Probate Hearings.

The docuements are on file with the enrollment clerk, the custodian of all records for the Shasta Nation, Betty Hall 10736 Quartz Valley Road, Fort Jones, CA 96032.

I, Caraway George, a member of the Board of Directors for the Shasta Nation, even I, do not have access to the Shasta NAtion records due to the confidentially of these docuements.

Sincerely yours,

Caraway George
Caraway George
P O Box 151
Hornbrook, CA 96044

STATE OF CALIFORNIA
COUNTY OF Siskiyou } ss.

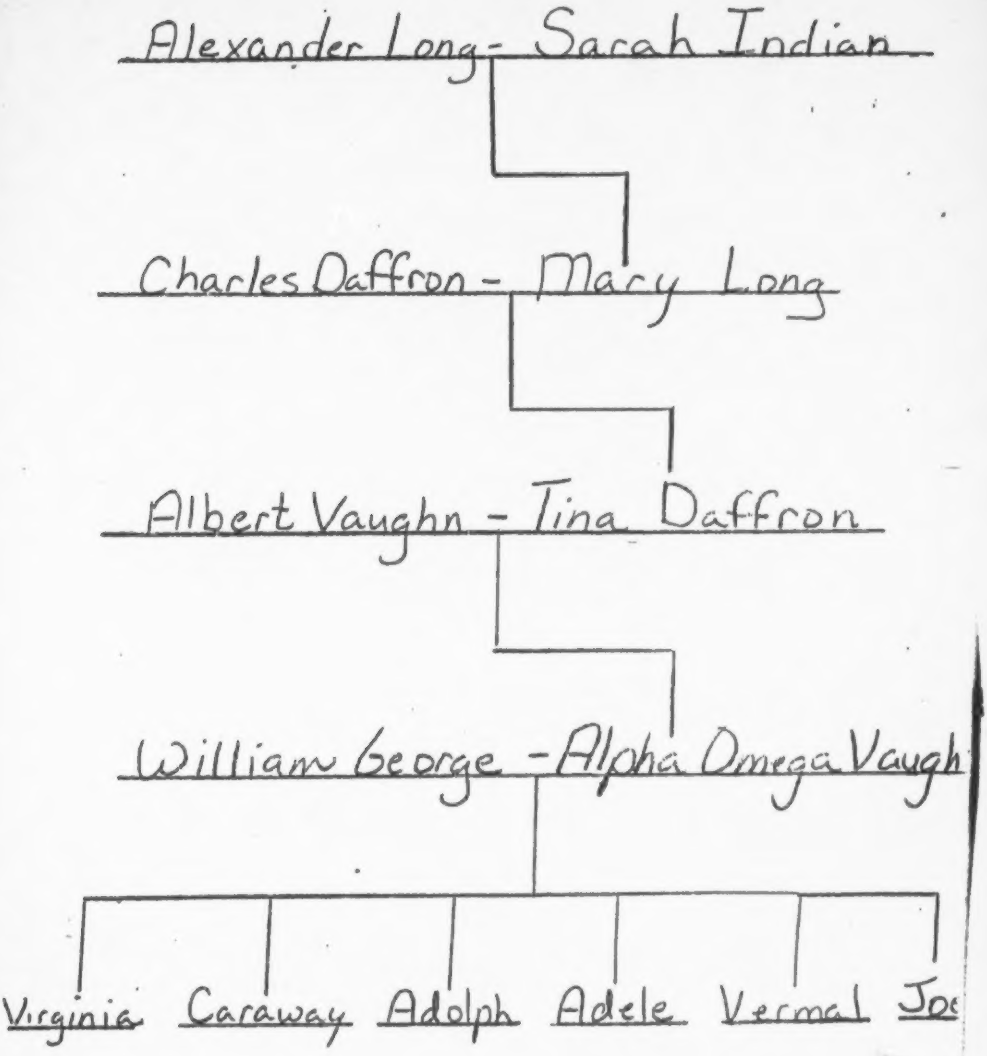
On this 11th day of February, in the year 1987, before me, Patricia Lane, a Notary Public, State of California, duly commissioned and sworn, personally appeared Caraway George personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this instrument, and acknowledged that he executed it.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the Siskiyou County of on the date set forth above in this certificate.

PATRICIA LANE
OFFICIAL SEAL
NOTARY PUBLIC-CALIFORNIA
COUNTY OF SISKIYOU
Comm. Expires Dec. 15, 1989

Patricia Lane
Notary Public, State of California

My commission expires December 15, 1989


Alexander Long - Sarah Indian
Charles Daffron - Mary Long
Albert Vaughn - Tina Daffron
William George - Alpha Omega Vaugh
Virginia
Caraway
Adolph
Adele
Vermal
Jo

SISKIYOU COUNTY
OFFICIAL RECORDS

Recorded at the request of
Siskiyou County Title Co.

Return to
WHEN RECORDED MAIL TO
Mr. Walter Robison
P. O. Box 25
Mount Hebron, California
SISKIYOU COUNTY ABSTRACT CO. 8296

RECORDED AT REQUEST
SISKIYOU CO. TITLE CO.
[illegible] PM 4:[illegible]
OFFICIAL RECORDS
VOL 475 PAGE 722
SISKIYOU COUNTY, CALIF.
2.00 paid

I. R.
$1.10

GRANT DEED (Joint Tenancy)

For value received RAY TEMPLETON and ALPHA O. TEMPLETON, his wife,

GRANT to WALTER ROBISON and CARROLL ROBISON, his son,

as JOINT TENANTS all that real property situate in the

County of Siskiyou, State of California, described as follows:

All that portion of Suburban Lot 88 according to the filed map of Mt. Hebron Townsite, located in Section 32, Township 46 North, Range 1 West, M.D.M., being more particularly described as:

Beginning at the Southeast corner of said Suburban Lot 88; thence West 139.2 feet along the South line of said Lot 88; thence North 313.0 feet parallel to the East line of said Lot 88; thence East 139.2 feet along the North line of Lot 88 to the Northeast corner thereof; thence South 313.0 feet along the East line of Lot 88 to the point of beginning.

Dated May 11 1962

Ray Templeton
Ray Templeton

Alpha O. Templeton
Alpha O. Templeton

STATE OF CALIFORNIA } ss.
County of Siskiyou

On May 11, 1962, before me, [illegible], a Notary Public, in and for said County and State, personally appeared Ray Templeton and Alpha O. Templeton known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

ELNA J. MURRAY
My commission expires My Commission Expires March 8, 1966

[illegible]
Notary Public

VOL 475 PAGE 722

COMPARED

THIS IS A TRUE CERTIFIED COPY OF THE RECORD FILED IN THE COUNTY OF SISKIYOU RECORDER'S OFFICE IF IT BEARS THIS SEAL IN PURPLE INK

FEB 11 1987

P. R. BAXT, COUNTY RECORDER
FOR THE COUNTY OF SISKIYOU

I CERTIFY THAT THIS IS A TRUE
AND CORRECT COPY OF THE
DOCUMENT ON RECORD IN THIS

[illegible], County Recorder

2-10-87
DATE

CERTIFICATION MUST BE
PURPLE TO BE VALID

4029

SEAL MUST BE EMBOSSED

4029

Rev. 3-55

Joint Tenancy Deed

For value received: Cary H. Chadwick and Ruth H. Chadwick, husband and wife,

Grant to--Ray Templeton and Alpha Templeton, husband and wife,

in joint tenancy, the real property situated in the County of Shasta, State of California, described as follows:

All that portion of Lot 2 of HAPPY VALLEY COLONY TRACT, as per map thereof filed for record June 20, 1907 in Book 1 of Maps, at Page 112, Shasta County Records, described as follows: Beginning at a point on the South line of said Lot 2, distant thereon 415.00 feet East of the Southwest corner of the East Half of the South Half of said Lot 2; thence Northerly and parallel with the East line of said Lot 2 a distance of 175.00 feet; thence Easterly and parallel with the South line of said Lot 2 a distance of 75.00 feet; thence Southerly and parallel with the East line of said Lot 2 a distance of 175.00 feet to a point on the South line of said lot 2; thence Westerly along said South line, a distance of 75.00 feet to the true point of beginning of this description.

Dated: ______________________

Cary H. Chadwick
Cary H. Chadwick
Ruth H. Chadwick
Ruth H. Chadwick

STATE OF CALIFORNIA
COUNTY OF Shasta } ss.

On August 3rd 1962 before me, the undersigned, a Notary Public in and for said Shasta County and State, personally appeared Cary H. Chadwick & Ruth H. Chadwick

known to me to be the persons whose name are subscribed to the within instrument and acknowledge that they executed the same.

(Seal) D. A. Dunlap
Notary Public
D. A. DUNLAP

My Commission Expires: My Commission Expires Aug. 27, 1964

Return to: ______________________
Address: ______________________

Application No.: ______________________

RECORDING DATA

RECORDED AT REQUEST OF
Ray Templeton
AT 8 MIN. PAST 1 P.M.
OFFICIAL RECORDS SHASTA COUNTY, CALIF.
MAR 22 1963
Volume 738, Page 38
Mildred Montgomery
RECORDER FEE $ 2.00
Mer

BOOK 738 PAGE 38

NORTH VALLEY TITLE & ESCROW CO.

4029

Petition to reopen

12/05/86

To Whom It May Concern;

I Adolph George authorize Caraway George to act on my behalf as my agent in the reopening of the Julius Bender Case.

During the proceedings in 1968, I was living outside the Siskiyou County area and had no knowledge of the proceedings.

Signed,

Adolph George

Attached to Petition to reopen

STATE OF CALIFORNIA
COUNTY OF San Joaquin ss.

On this 5th day of December, in the year 1936, before me, Emily Hurst, a Notary Public, State of California, duly commissioned and sworn, personally appeared Adolph George personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name he subscribed to this instrument, and acknowledged that he executed it.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the County of San Joaquin on the date set forth above in this certificate.

OFFICIAL SEAL
EMILY HURST
MY COMMISSION EXPIRES MAR. 13, 1987

Emily Hurst
Notary Public, State of California

My commission expires March 13, 1987

Cowdery's Form No. 32 — Acknowledgement to Notary Public — Individuals — (C.C. Sec. 1189) — (Rev. 1/83)

Petition to reopen

To Whom It May Concern;

I Virginia Warn authorize Caraway George to act on my behalf as my agent in the reopening of the Julius Bender Case.

During the proceedings in 1968, I was living outside the Siskiyou County area and had no knowledge of the proceedings.

Signed,

Virginia G Warn

Subscribed and sworn to before me this 23rd day of December, 1986.

Tammy Spence

Tammy Spence, Notary Public

My commission expires: 9-21-89,

Petition to reopen

To Whom It May Concern;

I Joe George authorize Caraway George to act on my behalf as my agent in the reopening of the Julius Bender Case.

During the proceedings in 1968, I was living outside the Siskiyou County area and had no knowledge of the proceedings.

Signed,

Joe W. George

Subscribed and sworn to before me this 6th day of December, 1986.

Tammy Spence
Tammy Spence, Notary Public

My commission expires : 9-21-89.

Exhibit 11

KARUK TRIBAL HEALTH PROGRAM

KARUK KARE

Administrative Office
P.O. Box 1125
Happy Camp, CA 96039

(916) 493-5304
493-2411

Medical-Dental Clinic
P.O. Box 1105
Yreka, CA 96097

(916) 842-1623
842-1624

TO: Betty Hall
10736 Quartz Valley Road
Fort Jones, CA 96032

DATE: April 10, 1989
PATIENT: Betty Hall
DATE OF SERVICE: December 15, 1989
Siskiyou General Hospital
AMOUNT OF CLAIM: $85.45

We have been requested to authorize payment for health services provided to the above-named. The Karuk Tribal Health Program will not assume responsibility for these charges because:

( ) 1. Prior approval was not obtained from an authorizing official for this NON-EMERGENCY service.

( ) 2. Approval was not obtained from an authorizing official within 72 hours following receipt of this EMERGENCY service.

( ) 3. You have an alternate resource ____________________ to provide these services.

( ) 4. You are not eligible for Contract Health Services in accordance with 42 CFR 36.23. (Attached)

(xx) 5. Other Physician was available at the direct care clinic for this non-life threatening situation.

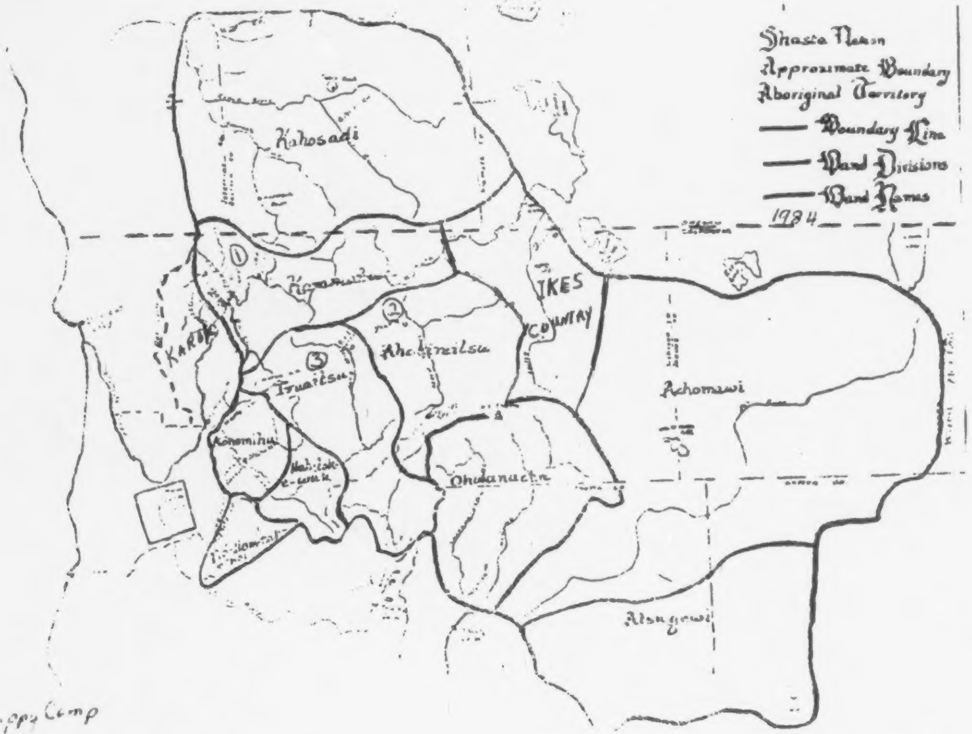
If you disagree with the above decision, you may obtain a reconsideration of this denial by submitting additional information not previously submitted to Mr. Aaron D. Peters, Director, Karuk Tribal Health Program, at the above address. If you are not submitting additional supporting information, you may appeal this denial in writing to the Area Director, Indian Health Service, 2999 Fulton Avenue, Sacramento, CA 95821.

ANY APPEAL TO THIS DECISION MUST BE MADE WITHIN THIRTY (30) DAYS FROM THE DATE OF RECEIPT OF THIS LETTER.

Aaron D. Peters, Director

cc: Siskiyou General Hospital
818 South Main Street
Yreka, CA 96097

Exhibit 12


Shasta Nation
Approximate Boundary
Aboriginal Territory
Boundary Line
Band Divisions
Band Names
1984
Kahosadi
KAROK
Ahotireitsu
Iruaitsu
Konomihu
Okwanuchu
Achomawi
Atsugewi
IKES
COUNTRY
1
2
3

1 - Happy Camp
2 - [illegible]
3 - Quartz Valley

Exhibit 13

LEGAL SERVICES OF NORTHERN CALIFORNIA, INC.
SHASTA REGIONAL OFFICE
1370 WEST STREET
REDDING, CALIFORNIA 96001
(916) 241-3565

November 15, 1988

Betty Hall & Family
Route 1 Box 34
Fort Jones, Ca. 96032

Re: Karok Settlement Offer

Dear Betty:

Enclosed is a copy of the release agreement proposed by the Karok's for your review and comment.

Sincerely,

LEGAL SERVICES OF NORTHERN CALIFORNIA

CINDY A. BABBY
Attorney at Law

CAB/clb
Encls.

received
11-11-1988

RELEASE

In consideration of a valid draft for Five Thousand Five Hundred Sixty-one Dollars & 48/100 ($5,561.48) payable to the Trust Account of Legal Services of Northern California, Inc., receipt of which is hereby acknowledged, Betty L. Hall, Roy V. Hall, Sr., Brenda Brodmerkle, Ronald Brodmerkle, Leroy Ward, Lorenza Ward, Marilyn Carpelan, Eric Carpelan, Roy Hall, Jr., Monica Hall, William Hall, Tracy Hall and Glenn Hall (hereafter "plaintiffs"), on behalf of themselves and on behalf of their officers, directors, agents, insurers, reinsurers, representatives and assigns, and each of them, hereby release and forever discharge Karuk Tribal Health, Inc., William E. Smith, Cheryl Beck, Paul Gary Beck and any other individual or entity in anyway associated with provision of health care in conjunction with the Karuk Tribe of California (hereafter "Karuk defendants"), as well as all present and past principals, agents, employees, representatives, assigns and their insurers, of and from any and all claims, demands, obligations, losses, causes of action, claims for relief, costs, expenses, attorney's fees, liabilities and indemnities of any nature whatsoever, whether based on contract, tort, statute or other legal or equitable theory of recovery which as of the date of this agreement plaintiffs have now, or claim to have against the Karuk defendants, or any of them, and any loss or damages suffered by plaintiffs as a result thereof, including without limitation, any and all claims, demands, actions, causes of action or claims for relief, known or unknown, arising out of eligibility for health care and provision and payment for health care services as more fully described in complaint No. CIV S-86-1177 LKK filed by plaintiffs in the United States District Court, for the Eastern District of California, against the Karuk defendants and others, and further including without limitation any claims or causes of action stated, or which could have been stated, in said litigation.

The release set forth above specifically includes any and all claims, demands, obligations, causes of action and/or claims for relief for compensatory and/or exemplary damages and declaratory relief with regard to health care eligibility status, and includes, but is not limited to, any relief relating to or in anyway connected with the above referenced litigation. It is the express intent of plaintiffs to waive any and all claims they have against the Karuk defendants and to include any claim which presently is unknown, unsuspected, unanticipated or undisclosed.

Plaintiffs specifically waive the provisions of any federal or California statute which purports not to extend a general release to claims which are not known or suspected to exist at the time of execution of the release.

Plaintiffs acknowledge the risk that subsequent to the execution of this release, plaintiffs may incur damage or loss which they deem in some way attributable to the Karuk defendants prior actions, but which are unknown and unanticipated at the time this release is signed. Plaintiffs acknowledge and assume such risk, and the risk that damages presently known may become progressive, greater or more serious than is now known, expected or anticipated.

Plaintiffs agree that if the facts with respect to this agreement or the facts alleged in the above referenced litigation are found hereafter to be different from the facts now believed by them to be true, they expressly accept and assume the risk of such possible difference in facts, and thereby agree that this agreement is and will remain effective notwithstanding such difference in facts.

The terms of this agreement including the receipt of any sum pursuant to the release agreement by plaintiffs shall be kept confidential. Plaintiffs agree and warrant not to volunteer or initiate disclosure of the terms of the release agreement, including but not limited to, the amount of payment under the release agreement. The disclosure of this release agreement, the terms of this release agreement, including but not limited to, the amount received by plaintiffs hereunder, to any person or entity, without the prior written consent of the Karuk defendants, and/or their attorneys, shall constitute a material breach of disagreement.

This agreement shall be binding on, and inure to the benefit of the successors and assigns of the plaintiffs and the Karuk defendants. Nothing in this agreement, express or implied, is intended to confer upon any person other than the plaintiffs and Karuk defendants, or their respective successors and assigns, any rights or benefits under or by reason of this release agreement. This release agreement shall not be assignable by the plaintiffs.

Plaintiffs acknowledge and agree that this settlement and this agreement are the result of compromise and are entered into in good faith and shall never for any purpose be considered an admission of liability or responsibility by the Karuk defendants concerning any of the claims referred to in this release agreement, and no past or present alleged wrongdoing on the part of the Karuk defendants, or any other party, shall be implied by such payment or release agreement.

This agreement represents and contains the entire agreement and understanding between the plaintiffs and the Karuk defendants with respect to the subject matter of this release agreement and supersedes any and all prior oral and written agreements and understandings, and no representation, warranty, condition, understandings or agreement of any kind with respect to the subject matter hereof shall be relied upon by the plaintiffs or Karuk defendants unless incorporated herein. This release agreement may not be amended or modified except by an agreement in writing signed by the party against whom the enforcement of any modification or amendment is sought.

Plaintiffs warrant and represent that they have not heretofore assigned or transferred or purported to assign or transfer to any person not a party hereto any released matter or any portion thereof, and plaintiffs agree to indemnify and hold harmless the Karuk defendants from and against any claims based on, in connection with, or arising out of any assignment or transfer, or purported or claimed assignment or transfer.

In the event that any action, claim or litigation shall arise out of this release agreement or be brought to enforce or interpret the rights or obligations under this agreement, the prevailing party herein shall be entitled to an award of its or their reasonable attorney's fees.

Plaintiffs acknowledge that they have been informed of the desirability of obtaining legal advice and professional consultation regarding this compromise and the execution of this release agreement. Plaintiffs warrant that such advice has been obtained or an informed decision was made not to obtain such advice.

IN WITNESS THEREOF, plaintiffs have executed this agreement as of the date set forth by their respective signatures.

(ACKNOWLEDGMENT REQUIRED)

Dated:

BETTY H. HALL

Dated:

ROY V. HALL, SR.

Dated:

BRENDA BRODMERKLE

Dated:

RONALD BRODMERKLE

Dated:

LEROY WARD

Dated:

LORENZA WARD

Dated:

MARILYN CARPELAN

Dated:

ERIC CARPELAN

Dated:

ROY HALL, JR.

Dated:

MONICA HALL

Dated:

WILLIAM HALL

Dated:

TRACY HALL

Dated:

GLENN HALL

We have discussed this agreement thoroughly with plaintiffs and they have indicated that they understand all of its provisions and that they enter into it voluntarily.

Dated:

LEGAL SERVICES OF NORTHERN
CALIFORNIA, INC.

By

Exhibit 14

December 9, 1988

Legal Services of Northern Calif., Inc.
Shasta Regional Office
1370 West Street
Redding, California 96001

Dear Ms. Babby, Atty.

Enclosed is the signed Cash Disbursement Form, and please send a check directly to the Northwest Creditors. To credit the account for Roy V. Hall Sr., #105190.

I am returning your receipt #4744, please add to it Roy's name and Northwest Creditors Account #105190.

I wish that your Legal Office handle all monitary disbursments as with this account. And send me a copy of all transactions.

Sincerely yours,

Betty L. Hall

Betty L. Hall

cc: Northwest Creditors Service
Atty. Howard Dickstein

LEGAL SERVICES OF NORTHERN CALIFORNIA, INC.
SHASTA REGIONAL OFFICE
1370 WEST STREET
REDDING, CALIFORNIA 96001
(916) 241-3565

CASH DISBURSEMENT FORM

Date: December 6, 1988

Legal Services of Northern California, Inc., is hereby authorized to issue a check in the amount of

$ 5,561.48

payable to Northwest Creditors

for settlement Ray Hall, Sr. Collection acct. #105190.

This check is to be drawn on my account through Legal Services of Northern California's Clients' Trust Account.

Signed: Ray V. Hall Sr.
Dated: 12-9-88

Check(s) Disbursed:

Check # ________
Date ________
Amount ________

LEGAL SERVICES OF NORTHERN CALIFORNIA, INC.
SHASTA REGIONAL OFFICE
1370 WEST STREET
REDDING, CALIFORNIA 96001
(916) 241-3565

December 20, 1988

Mrs. Betty Hall
10736 Quartz Valley Road
Fort Jones, CA 96032

Re: Hall v. Bowen

Dear Ms. Hall:

Enclosed is the receipt previously sent to you for the $5,561.48 which was deposited in our Client's Trust Account. I have also enclosed a copy of the letter transmitting this money to Northwest Creditors Service.

Since there will be quite a bit more activity of this type in your case in the future, Cindy thought it might be helpful if I explained the Trust Account procedures that I have to follow. Much of this is Legal Services requirements to document the transmittal of money.

A receipt is made acknowledging the money has been received from you, the client, even though it may have come from a third party. This is a receipt from Legal Services to you (it has nothing to do with why the money has been received, i.e. Northwest Creditors, only that you have entrusted it to Legal Services). Then the client must sign an authorization to disburse the funds. No checks can be written without your authorization.. I also set up a ledger sheet showing any monetary activity in your case. As the funds are disbursed, a copy of any transmittal will be sent to you so you can monitor the settlement of your case.

If you have any questions regarding the Trust Account, please do not hesitate to give me a call.

Sincerely,

BRENDA JACKSON
Office Manager

bj
Enclosures

December 12, 1988

Ms. Marsha Bridwell
Northwest Creditors Service Inc.
P. O. Box 656
Yreka, CA 96097

RE: Roy V. Hall, Sr.
Account No. 105190

Dear Ms. Bridwell:

Enclosed please find a check in the amount of $5,561.48, as payment in full of the above-referenced account as per our conversations and correspondence regarding the same.

Please send me a receipt indicating that the above-referenced account is paid in full, and a copy of the same to my client at the following address:

Roy V. Hall, Sr.
10736 Quartz Valley Road
Fort Jones, CA 96032

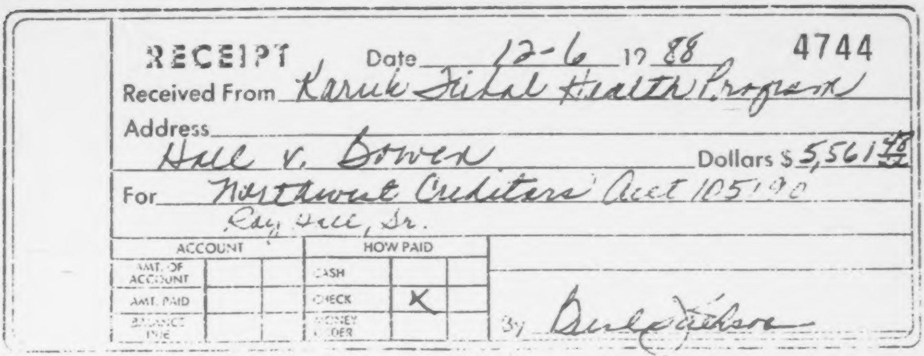
I appreciate your cooperation and assistance with these matters.

Sincerely,

Cindy Babby

CINDY BABBY
Attorney at Law

CB:bj



RECEIPT Date 12-6 19 88 4744

Received From Karuk Tribal Health Program

Address

Hall v. Bowen Dollars $ 5,561 48

For Northwest Creditors' Acct 105190

Ray Hall, Sr.

ACCOUNT			HOW PAID		
AMT. OF ACCOUNT			CASH		
AMT. PAID			CHECK	X	
BALANCE DUE			MONEY ORDER		

By

MONO LAKE INDIAN COMMUNITY
P.O. Box 237
Lee Vining, Ca. 93541
April 28, 1989

To: The United States Select Committee
on Indian Affairs

The Kuza-Dika, Paiute, people of Mono Lake want to thank you for this opportunity to be federally recognized as a tribe. Our past proud history shows that our people have lived in the Mono Basin foe approximately 8,000 to 10,000 years. Mono Lake has been the center of our way of life in the past, and we are struggling to keep our way of life for now and for posterity.

We were recognized as an Indian Group in 1978. Since then we have been actively petitioning for federal recognition as a tribe with the help of volunteers the last five years.

Our people were eligible for the California Indian Roll. The members of the community received individual allotment payments.

Today our tribal council represents about seventy-five people. The council conducts regular meetings and participates in a variety of community affairs. If we are federally recognized many families and individuals who left the area because of loss of land, water, and opportunity to live a way of life, would return.

There is encroachment of the land in the Mono Lake area at present by the City of Los Angeles, the threat of private business ventures, and the federal government, which manages the Mono Lake National Forest Scenic Area. We have a pending agreement between the Inyo National Forest and the Mono Lake Indian Community regarding continuation of Native American traditional useages within the Mono Basin National Scenic Area.

We need tribal recognition to gain land rights, housing, business opportunities, health care, educational benefits, legal advice, and protection of rights. If we are given this recognition by the government of the United States, it will bring our people back together, and give us pride in who we are.

Sincerely,

Richard Blaver
Spokesman

Archaeologists, Native California Indian Descendants and Cultural Resource Management: A Historic Process of Institutionalized Racism, Tokenism and Factionalism

Ever since the occupation of California Indian lands began by Hispano-Europeans in the 18th century, the diversified indigenous tribal cultures that had thrived over the centuries, fell into a state of almost total collapse and in some cases near extinction. With the advent of the establishment of academic institutions, and specifically Anthropology departments, an attempt was made to "salvage the remnant memory culture" of the surviving elders of each respective society. This attempt must be considered honorable and gratitude must be extended to those few dedicated linguists, historians, anthropologists and other concerned people who understood the need to record the surviving cultural attributes of our indigenous societies. Part of these scholarly pursuits included the archaeological investigation of our ancestral villages, burial grounds and ceremonial sites. Since the beginning of the 19th century many of our ancestral sites have been excavated. The cultural and human remains from these sites have been curated over the decades within large institutions. During this period there essentially were two groups of scholars investigating our traditions. One group was salvaging what it could from the living descendants; they are called ethnologists/linguists. The second group was investigating the physical remains of our ancestors and ancestral villages; these people are called archaeologists. When one reads the ethnographies, one gets a sense of some aspect of each respective culture. Sadly, in many cases the elders who were interviewed, were reduced to a marginal entity called an informant. Ironically, they were not and have not been recognized as an authority on their own culture! When one reads the archaeological reports, the Native peoples are further reduced into non-entities, by either being identified as "collectors", "foragers", "the Indians", or allocated an artificial name of some fictitious prehistoric phase generated by the person investigating the site.

Changes were happening in California on a variety of levels. During the 1960's and 1970's many of the tribes were trying to reorganize themselves into cohesive groups. Many of the non-federally recognized tribes had their own unique sense of identity, family and heritage. Concurrently, California was going through massive growth. Urban areas were expanding and as a result of this rapid development, many of our ancestral villages and burial grounds were destroyed. During these decades there was little or no protection from destruction. Our cemeteries were not considered "sacred" because they were not blessed within the Judaic-Christian tradition. When a site was impacted by construction, the call went out to volunteers to "salvage" the site.

Environmental laws were enacted that sought to protect some of these sites. They were considered non-renewable resources by environmentally oriented people. Concurrently, we as Native descendants began to get involved, especially when our ancestral remains were uncovered or threatened. For many of us, the last tangible thing which we can call our own are our ancestral remains. The burials served as a vehicle for cultural revitalization. We believe that we are the stewards of our ancestors.

Enter the Cultural Resource Management Archaeologists. Many of these people came through their respective Anthropology departments during the socially conscious 1960's - 1970's. When environmental laws came into effect public agencies demanded an EIR prior to any development. For many of these anthropology students turned cultural resource management archaeologists, the prospects of making lots of money became apparent. Many of our ancestral villages and cemeteries became arenas for controversy and politics. These feelings were carried onto our sacred grounds. These feelings and the people who carry negative feelings against us desecrated our sacred areas.

For many years our people have been ignored by the archaeological community. We hear from them comments such as, "well, they were not concerned ten years ago, why should they be concerned now"? As social scientists, maybe they should ask the question, "How were the elders socialized"? My mother grew up in the convent and orphanage at Mission San Jose. She was socialized by the sisters there. They never taught her to stand up to the dominant white male society and demand attention! It was our generation, the younger generation, who were quietly educated by our parents, who were in the position to make a statement about the wanton destruction of our ancestral places and people.

As part of this EIR process there developed a need to have some Native American representative out at the site. The question was who should represent the Native American Community? For many years active people claiming to be Native American could serve this purpose. Some of these Native Americans were either non-BIA documented or BIA documented Non-California Indians. Slowly, through time, some California Indian families representing their respective traditions became concerned enough to attend meetings and share their concerns. Through time there developed a law in the form of SB 297 that sets up the process whereby the Native American Heritage Commission identifies the most likely descendant(s) to make appropriate decisions concerning the disposition of our ancestral remains. However, until recently, this process recognized anybody who wanted to be on the list. Now, we as documented descendants are asking for other Indians to present adequate documentation of their lineage or tribe. The reason for this is due to the fact that the archaeological community has taken it upon themselves to select their own Indian representative, thus bypassing SB 297 and the religious rights of we who have documented ourselves. This form of tokenism has been rampant throughout California and has created an air of hostility between and within the various communities. Archaeologists do not want anybody looking over their shoulders. Their lucrative profession has generated a lot of money for themselves. Their archaeological reports have generated very little information about the lifeways and cultures of our ancestral peoples. They are essentially not accountable to anyone. Much of the information generated from these reports have very little or nothing to do with the living descendants. Where is the Anthropological process that connects us to our past. What are the tangible benefits back to the Indian communities that they are supposedly studying? What have been the tangible benefits back to the general public and the educational institutions? Where are the collections housed? Why have we not been asked to help develop museums staffed by our people? Why do we have to even raise any of these questions?

As part of the mythos that evolved, some archaeologists attempted to poison developers and agency staff against the local descendants by using their Ph.d's as sceptres of authority. We would hear things such as "don't trust these people, they will only interfere and stop your project" or "they aren't even Indians, they Puerto Ricans".

Through time our families decided that we needed to take control of our ancestral remains. The only way of doing this was to create a cooperative atmosphere that did not threaten developers, archaeologists and agencies. We decided to educate ourselves and learn about archaeology and human osteology. Our elders and grandchildren attended workshops. We even salvaged our own ancestral remains by excavating them out of the ground in conjunction with university archaeologists. Finally, we decided to develop our own Native American firm that would go after contracts and hire archaeologists who would work with us. As a result of this 9 year process, we are still faced with a great deal of hostility by the archaeological community. We say to these archaeologists, if you have to do archaeology, it better be good! This really upsets them. They are only used to minimal levels of analysis for lots of money and no accountability. Recently, one archaeological firm, held 26 burials hostage in order to extract from the developer a sum of $5000.00 per burial for analysis. The developer thought that this was too high a price to pay and they, through the Native American Heritage Commission called us in to recover the burials from them. It took a letter from the State Attorney General's office to get them to turn over the burials. We, then, with a small budget put out our own scientific report prior to reburial.

In summary, the whole process involving what scientists call cultural resources and what we call our ancestral remains, has been one fraught with a great deal of hostility, mythos, factionalism and fraud. Our position is one that includes: 1) support of protecting our ancestral sites, 2) if need be, sensitive removal and analysis of burials then, 3) reburial of our ancestral human remains. We as descendants of the East Bay Muwekma Costanoan Tribe desire to be in the fore front of this decision making process. We don't want to be treated in a tokenistic fashion. We are not incompetent nor stupid. We fully understand, perhaps better than any of these so called archaeologists, the cultural and educational value of our heritage. Millions of dollars have been spent on archaeology. We want our people to be employed. We want other Native Americans to be employed. Archaeologists should be working in conjunction with us as the rightful descendants instead of trying to crush our attempts at cultural revitalization. If we don't get involved and allow ourselves to be pushed to the margins of this complex process, we will find ourselves continuing the myth of the archaeologist as grave robber. Only by taking full command of our ancestral heritage can we be truly effective as educated descendants of our culture. By this process we will then be in the position to share our rich and long cultural history with all interested people, educational institutions and museums who so much want to know about our people. With this current system in place these goals are not possible, because not only are the archaeological reports, collections and related information generally unavailable to the public, they are inaccessible to the descendants as well.

Thank you for taking the time out to review this difficult and sensitive issue. We desire your support on these matters concerning our heritage and our rights as Native peoples and American Citizens.

Sincerely,

Rosemary Cambra,
Spokeswomen Muwekma Tribe

Muwekma and the Federal Acknowledgement Process: A Brief Historic Overview of the Tribe, Our Relationship to the Federal Government, and Our Sense of Identity as a People

Since the arrival of the Hispano-Europeans in 1769 to our ancestral lands within the greater San Francisco Bay area, the Muwekma, our people, our ancestors found themselves encountering an alien-imposed colonial system that ultimately almost contributed to the complete destruction and death of our people and culture. Tragically, the Muwekma, who occupied the lands around the eastern and southern bay slowly succumbed to this new order and yet, managed to survive into the twentieth century still speaking our language and remembering remnants of our ancestral lifeways. For over 3500 years the Muwekma have lived, given birth, suckled young, nurtured, fished, collected, harvested, hunted, warred, cried and died. Songs, stories, dances and ceremonies celebrating the life forces of the real world and the spirit world were passed on by mother/daughter, father/son and generation to generation.

Our ancestral lineage is recorded in the archives kept by the priests at Mission San Jose. Our family and related lineages have been documented as far back to the early 19th century, and for some relations, to the founding of the mission in 1797. Of the thousands of Indians residing near Mission San Jose only a few families, perhaps numbering not more than several hundred people, lived from the 1860's to about 1910 at three rancherias: Alisal (the alders), near

Pleasanton, El Molino (the Mill), near Niles, and Sunol. Our relationship with the Mission has continued throughout the 19th century up until present day. My mother and aunt, Dolores and Augustine were placed in the convent and orphanage in 1921, shortly after the death of their mother, Ramona Marine. Their aunt Trini, continued to keep in contact with them throughout the years until they were old enough to get married. In fact, Tia Trini, kept most of the families together, and during the 1950's enrolled her family as Costanoan Indian with the BIA. In, 1971, Trini's nephew, Mr. Felipe Galvan, incorporated the family into a non-profit entity in order to have the historic Ohlone Indian cemetery at the Mission formally transferred over to the tribe. Since that time Mr. Galvan has been the caretaker of our ancestral burial grounds. His son, Father Michael Galvan, became the only known Costanoan/Ohlone Indian priest recognized by the Catholic Church. Father Michael still resides in the east bay.

We identify ourselves as Muwekma, instead of Costanoan or Ohlone, because Muwekma means "the People" in our old Indian language. Our language was still spoken by a few elders as late as the 1930's. Professor Kroeber from Berkeley and Dr. John P. Harrington from the Smithsonian (an arm of the Federal Government) recorded stories, placenames, songs and the language from our relations between 1904 and 1934.

During World War II, my uncles Robert and Enos Sanchez both served in the armed forces. Later, my two cousins, Robert and Richardo Martinez served in Viet Nam. These men, these Muwekma descendants fought for the honor and ideals of our country.

After the establishment of the California Indian rolls in 1928-1933, as mentioned earlier, some of our relations registered with the BIA in 1950 and my family in 1968, as part of the California Claims settlement of 1944. Throughout this process the members of the Tribe established a termed and legal relationship with the Federal Government as part of this process. The BIA has and continues to recognize our families as Costanoan Indians.

Because of our well documented family lineage, our unique sense of history and being tied to our lands, our sense of being the custodians of our ancestral remains and villages, we have decided to participate with the other Non-Federally Recognized Tribes of California in order to gain formal recognition by the United States Government as the Muwekma Tribe of Costanoan Indian descendants. Our families know who we are, we know where we came from, and we have been recognized by various arms of the Federal and California State governments. Recently, the Tribe has received formal recognition and support by the Santa Clara County Board of supervisors in the form of a resolution in support of our Federal recognition process (see attached).

Our ancestors have been buried here for over 3500 years. Our families have been buried throughout the bay area for over 200 years. We, therefore, claim the right as Muwekma descendants to be recognized as an independent tribal entity by the United States Government. If this status is achieved it will serve as a vehicle to help us integrate our families as a tribe and to perpetuate our sense of identity, dignity and desire to maintain our heritage as a tribal people over the next ensuing generations. We fear that our children will lose that unique sense of who they are and forget their tribal identity. Our families have survived through many hardships. Our parents and grandparents instilled into us a sense of pride and identity. We have never left our ancestral lands. This fact no one can deny or take away from us. As Muwekma Indians we must formulate long term strategies which include: being economically self sustaining, having a sense of self determination, instilling into our children and their children self esteem, and survivability as a group into the twenty first century. My mother and father and their parents before them had very little support and opportunity at education and economic enhancement. They did, however, leave the most precious thing to us, their offspring, our lives. Both directly and indirectly they passed onto us the responsibility to perpetuate the Tribe and keep our spirit alive. We have been, we are, and we will always be Muwekma. Our men have proudly served in the armed forces and fought for the ideals and well being of our country. All of these qualities we embrace and feel the need to pass onto the next generations of Muwekma children as their birthright and heritage as Costanoan Indian descendants.

We thank you for letting us come before you, to share with you our feelings and brief history of the past as well as our vision of the future as a tribe. We feel that it is imperative to gain formal tribal recognition as a California Indian Tribe in order to maintain our integrity, dignity and future for our children yet to be born. It is important for them to know who they are, where they come from, where their ancestors are buried, and where they, as future parents and elders of the tribe, are going. We don't want to lose our children to drugs and crime. Only by having a strong sense of tribal identity can they truly become productive adult and members of our greater society. By gaining tribal recognition they can pass our unique sense of heritage onto the next generation and remember that they never left their ancestral lands.

Respectfully submitted,

Mrs. Rosemary Cambra,
Spokeswoman Muwekma Tribe

Resolution of Commendation

WHEREAS, family members from the Ohlone/Costanoan Muwekma Tribe, working with local community members and consultants, are seeking acknowledgement as a Federally recongnized tribe; and

WHEREAS, over the past nine years, local Native Americans of the Muwekma Tribe have compiled valuable information towards Federal recognition; and

WHEREAS, the Muwekma Tribe served as a catalyst in the creation of Santa Clara County's Native American Observer/Advisor Program which was established to protect the rights and religious beliefs of Native Americans; and

WHEREAS, the Muwekma Tribe is working on a project to develop an Urban Indian Village in Santa Clara County which would be the first of its kind in California.

NOW THEREFORE BE IT RESOLVED, that the Santa Clara County Board of Supervisors does hereby commend and support the

OLHONE/COSTANOAN MUWEKMA TRIBE

for its effort on behalf of local Native Americans to seek recognition by the Federal Government.

PASSED AND ADOPTED this Fourth Day of April, Nineteen Hundred and Eighty-Nine by unanimous vote.

Rod Diridon, Chairperson
Board of Supervisors

Susanne Wilson
Susanne Wilson
Supervisor, District 1

Zoe Lofgren
Supervisor, District 2

Ron Gonzales
Ron Gonzales
Supervisor, District 3

Dianne McKenna
Dianne McKenna
Supervisor, District 5

ATTEST: Donald M. Rains
Clerk, Board of Supervisors

CHOINUMNI TRIBAL COUNCIL
2428 South Cedar
Fresno, California 93725

April 25, 1989

United States Senate
Select Committee on Indian Affairs
Washington, DC 20510-6450

Att: Daniel K. Inouye

Dear Mr. Inouye:

We support the efforts of your Senate subcommittee and S. 611. We are here to put on record the plight not only for the Choinumni people and tribe — but the countless others who's lives have remained in fear. We have watched our fur and feathered brothers and sisters who fell to victims of extinction and we asked, will it be the fate that will be for us as a race and as people? My land is sick, the air is foul, and the water which sustains all life is poisoned. But we say there is still hope.

In 1848 the Treaty between Mexico and the United States designated citizenship to the indigenous people of California. The government never extended those rights but in 1851, the U.S. Congress enacted and authorized expenditures to the President of the United States to make Treatises with the Native American Indians of California which included the Choinumni Tribe, when WAITOKE the Chief signed the Treatises. Superintendent Beale authorized by the Congress to establish five (5) military reservations — one being the Kings River Farm where the Choinumni's went. In 1873 or thereabout, an Executive Order from the President of the United States of America designated the closing and the transferring of the Choinumni Tribe to the old Tule River Reservation. Information of such was never disclosed to the Choinumni Tribe or leaders.

Sir, we of the Choinumni Tribe and People ask for supportive services to sustain that which is pertinent to all living creatures upon this earth, our rights of self-determination to live without fear on how we are to bury our dead within our own traditional ways, within our own traditional lands. If anything was proven the Choinumni Tribe and other tribes proved we did survive and with a little assistance like other immigrants we can and will create our own economic base. To achieve this we must first become land based and secured in our self-determination.

Mae Davidian

Mae Davidian
Vice-Chairperson; and
Designated Speaker for
the Choinumni Tribal Council

cc Anna I. Alec, Chairperson
of the Choinumni Tribal Council
MD/jg

NOR-EL-MUK BAND OF WINTU INDIANS
P.O. Box 673
Hayfork, California 96041

April 25, 1989

Testimony in Support [redacted] The Indian Federal
Administrative Procedures Act of 1989

U.S. Senate Select Committee on Indian Affairs
Hearing - April 28, 1989, Sacramento, California

Dear Chairman Inouye and Members of the Committee:

As Chairman of the Nor-El-Muk Band of Wintu Indians, I hereby submit on behalf of our tribe this written testimony in support of S-611 as introduced by Senator Inouye and others on the 16th of March 1989. The Nor-El-Muk Band of Wintu Indians submitted a petition for acknowledgment as an Indian Tribe in the fall of 1988. Since then our Tribe has realized the tremendous back log of petitions still not having cleared Federal review. It is our hope S-611 will be a solution to this problem and will enable additional resources to be applied to the review process so that our long and arduous struggle towards recognition will be fairly and respectfully approved.

The Nor-El-Muk Band of Wintu Indians has been organized as a tribe, under this name and other similar names for as long (and longer) as recorded history has indicated. The Nor-El-Muk territory, encompasses most of Trinity County and portions of Shasta, Tehama, and Humboldt Counties in Northwestern California. The center location of the tribe is the present community of Hayfork California. Descendents of the tribe consider themselves as signatories to Reddings Ranch or Cottonwood treaty of 1852 and were granted allotments after the Bridge Gulch massacre of 1852. While some relatives have moved to other reservations, many tribal members have retained allotments; and as such, continue to practice and be organized under the Nor-El-Muk name.

Tribal members of the Nor-El-Muk Band of Wintu Indians, have received roll numbers and have received various health and welfare services from the Federal government on the basis of being recognized as individual American Indians. To this date the Nor-El-Muk Band of Wintu Indians tribal organization has remained active in attempting to bring about these and other services, practice cultural and social customs, and in general, improve upon the overall conditions of the tribe. At no time has there been a gap of any significant time when there has not been an active tribal organization.

The recently completed Federal Petition for Tribal Acknowledgment is over 700 pages (plus documentation) of evidence in support of these and other statements characterizing our tribal existence. Current tribal leaders not only represent the needs and desires of the Nor-El-Muk people, but serve on many other local and regional organizations that strive to improve the areas entire social and economic well being. This participation by the tribe represents the continuous demonstration by the Nor-El-Muk people of its devotion and care for the land and its people; attributes carried forward from early tribal existence. The petition represents an important link to documenting not only the tribe's existence, but its continuing contributions.

It is our tribe's understanding that we have met all required conditions for recognition in our formally submitted petition. To date, we have not received any correspondence as to its review status. While we have had to learn patience in our dealings with governmental authorities, we also expect to be treated fairly and respectfully. Therefore, we appreciate the authors of S-611 understanding of the problems encountered with this recognition process and are encouraged with this proposed solution. Our people support your Committee's endeavors in this respect and will continue to voice our concern and plea for tribal recognition.

Respectfully,

Raymond Patton

Raymond Patton
Chairman

RP:so
cc: file

S L U

Wukchumni Council

Testimony

APRIL 28, 1989

TESTIMONY: SB 611
FEDERAL ACKNOWLEDGEMENT PROCESS

MY NAME IS MARIE WILCOX (INDIAN NAME). I AM AN ELDER OF THE WUKCHUMNI COUNCIL OF TULARE COUNTY. I HAVE THE PRIVILEGE, TODAY, OF SPEAKING ON BEHALF OF THE ELDERS AND THE MEMBERSHIP OF OUR WUKCHUMNI PEOPLE. WE THANK YOU FOR ALLOWING US THE OPPORTUNITY TO ADDRESS THIS COMMITTEE IN EXPRESSING OUR CONCERNS AND OPINIONS ON THE FEDERAL ACKNOWLEDGEMENT PROCESS.

IN THE BEGINNING WHEN THE GREAT SPIRIT PUT MY PEOPLE ON THIS EARTH WE WERE GIVEN A ONENESS WITH THE LAND. WE WERE INSTRUCTED TO TAKE CARE OF OUR EARTH. TO BE THE CARETAKERS AND TO LIVE IN PEACE WITH ALL CREATURES THAT SHARE OUR WORLD WITH US. MY PEOPLE FLOURISHED AND OUR TRADITIONS PASSED FROM FATHER TO SON AND MOTHER TO DAUGHTER AND OUR CHILDREN GREW UP IN A WORLD CONFIDENT IN WHO THEY WERE AND WHAT THEIR PLACE WAS AMONG US. OUR CIVILIZATION HAD LAW AND ORDER, OUR LANGUAGE DESCRIBED OUR WORLD AND ALL WITHIN IT. THERE WAS BALANCE. MY PEOPLE, THE WUKCHUMNI ALONG WITH OUR NEIGHBORS THE CHOINUMNI, WAKSACHI, ENTEBICH AND TACHE ARE ALL KNOWN AS "INYANA". WE LIVED IN PEACE AND RECOGNIZED ONE ANOTHER AND RESPECTED OUR PLACE ON THIS EARTH.

ALL THIS I HAVE DESCRIBED TO YOU WAS SHATTERED BY THE INTRUSION OF THE WHITE SETTLERS AND MINERS. WHEN THE MISSIONARIES CAME AMONG US THEY SAW US AS LESS THAN HUMAN. THEY SAID WE HAD NO CONCEPT OF RELIGION. THAT WE WERE HEATHENS AND SAVAGES NOT FIT TO GOVERN OURSELVES. THE GENOCIDE WAS CAUSED BY THE INFLUENCE OF THEIR MINISTRIES, EDUCATIONAL SYSTEMS AND DISEASES THAT WERE NOT CONDUSIVE TO OUR CULTURE.

OUR ANCESTORS WERE NOT IN A POSITION TO PROTECT THEMSELVES WITH THE COMING OF THESE DIFFERENT PEOPLE. AS A RESULT, MANY LIVES WERE LOST AND MANY FAMILIES WERE SPLIT UP BY THE MISSION PRIESTS AND THE BOARDING SCHOOLS. WHEN SOME OF THE FAMILIES WERE GIVEN THE CHOICES OF LIVING ON RESERVES, RANCHERIAS OR THE ALLOTTMENTS OF LAND IT CAUSED MUCH HARDSHIP FOR OUR PEOPLE TO GATHER AS WHOLE COMMUNITIES. STILL, WE WERE ABLE TO MAINTAIN THE CONTACT THAT WAS VIABLE IN PASSING ALONG SOME OF OUR TRADITIONS, CUSTOMS AND CEREMONIES. WE WERE FORCED TO LIVE IN A SOCIETY THAT WAS NOT FAMILIAR. MANY OF OUR PEOPLE MOVED TO THE CITIES AND LEARNED TO COPE WITH LIFE IN THE NON-INDIAN WORLD.

36787 Road 197 Woodlake, CA 93286
CUMOYNIM YOKUCH

WE HAVE SEEN MUCH DAMAGE AND DESTRUCTION OF OF OUR SACRED PLACES AND BURIAL GROUNDS. THESE SAME PLACES WE WERE DENIED ACCESS TO, TO GO AND CARRY ON OUR TRADITIONAL CEREMONIES THAT WERE GIVEN TO US. INSTEAD, WE HAVE WATCHED IN SILENCE AS THE ANGLO CHURCHES BUILT THEIR SHRINES AND PLACES OF WORSHIP AND GIVEN THEIR RIGHTS TO PRACTICE THEIR RELIGION. WE HAVE WATCHED AS SOME OF THESE SAME CHURCHES HAVE FALLEN BY THE WAYSIDE, ARGUING WITH ONE ANOTHER AND BUILDING MORE RELIGIOUS SANCTIONS, FOLLOWING DIFFERENT WAYS OF THINKING. AS THESE ACTIVITIES GO ON WE INDIAN PEOPLE HAVE LEARNED TO KEEP IN TOUCH WITH OUR TRADITIONAL WAYS FROM GENERATION TO GENERATION. WE HAVE FOUND THE STRENGTH AND UNITY AMONG OUR PEOPLE TO SURVIVE, TO MAINTAIN AND TO CARRY FORTH OUR WAY OF LIFE. WE ARE NOW MOVING TO REGAIN THE STRUCTURE OF THAT UNITY. WE WANT OUR YOUNG CHILDREN TO ONCE AGAIN FEEL THE SECURITY AND CONFIDENCE OUR PEOPLE HAD LONG AGO. WE WANT OUR CHILDREN TO GROW UP KNOWING WHO THEY ARE AND WHAT THEIR PLACE IS IN THIS WORLD.

IN RECENT YEARS WE HAVE HAD A HARD TIME TRYING TO PROTECT OUR SACRED SITES. WHEN WE HAVE APPROACHED THE SCHOOLS OR CITY AND COUNTY GOVERNMENTS THEY HAVE REFUSED TO LISTEN TO OUR CONCERNS. THEY TELL US THAT WE HAVE NO AUTHORITY BECAUSE WE DO NOT BELONG TO A TRIBAL ENTITY, THAT WE ARE NOT AN ORGANIZED GROUP OF INDIAN PEOPLE. WE HAVE NOT ASKED FOR MUCH, ONLY THAT THESE PEOPLE RESPECT WHAT WAS LEFT TO US BY OUR ANCESTORS AND ALLOW US TO PROTECT AND PRESERVE THE CULTURAL SIGNIFICANTS THAT GO ALONG WITH THESE PLACES.

IT HAS BEEN AT LEAST SEVEN GENERATIONS SINCE THE TAKE OVER OF THIS CALIFORNIA LAND. THE INDIAN PEOPLE OF THIS STATE HAVE BEEN CONTINUALLY DENIED THE APPROPRIATE GOVERNMENTAL AGREEMENTS THAT HAVE PROTECTED THE RIGHTS OF THE OTHER INDIAN TRIBES IN THESE UNITED STATES. IN THIS GENERATION, WE HAVE BECOME MORE KNOWLEDGEABLE AND EDUCATED TO THE WRONGFUL TREATMENT OF OUR INDIAN PEOPLE. WE ARE NO LONGER AFRAID TO SPEAK OUT ABOUT THE CONCERNS WE HAVE IN SEEKING THE RECOGNITION WE SEEM TO HAVE LOST.

ALTHOUGH THE STATE OF CALIFORNIA HAS RECOGNIZED OUR PEOPLE IN THE PAST, WE ARE ONCE AGAIN FACED WITH MORE GENOCIDE. THE B.I.A. IN RECENT TIMES HAVE BEGUN PUTTING GREATER RESTRICTIONS ON ELIGIBILITY REQUIREMENTS FOR HEALTH SERVICES, HIGHER EDUCATION FUNDINGS AND LEGAL SERVICES. THESE REQUIREMENTS ARE STIPULATING THAT WE MUST BE A REGISTERED MEMBER OF A RESERVATION IN ORDER TO QUALIFY FOR THESE SERVICES. IT NO LONGER MATTERS THAT WE HAVE THE STATE ENROLLMENT NUMBERS. IF WE ARE NOT REGISTERED WITH A RESERVATION, WE ARE NOT CONSIDERED TO BE INDIAN. BECAUSE OF THE UNRATIFIED TREATIES OF 1851, THE CALIFORNIA INDIANS ARE IN A UNIQUE SITUATION. THESE TREATIES WERE WRITTEN TO BRING PEACE TO THESE LANDS, BUT UNDER CONGRESSIONAL ORDER THEY WERE LOCKED AWAY ONLY TO BE REMOVED SOME YEARS LATER BY THE NEWLY FORMED TREATY COMMISSION. STILL, THE GOVERNMENT HAS NOT SEEN FIT TO RECTIFY THOSE PREVIOUS NEGOTIATIONS. AT ONE POINT IN TIME, ATTEMPTS WERE MADE TO DESTROY THESE TREATIES RATHER THAN LET THEM BECOME KNOWN AS BROKEN PROMISES. WE HAVE NEVER BEEN GIVEN THE APPROPRIATE OPPORTUNITIES TO PARTICIPATE IN A GOVERNMENT TO GOVERNMENT RELATIONSHIP.

BY SEEKING FEDERAL ACKNOWLEDGEMENT WE ARE ASKING FOR WHAT IS RIGHTFULLY OURS, THE DIGNITY OF BEING A SOVEREIGN PEOPLE, TO LIVE BY AND GOVERN OURSELVES BY THE PRINCIPALS AND VALUES THAT WERE GIVEN TO US BY OUR ANCESTORS.

AT ONE TIME THE U.S. GOVERNMENT MADE AN ATTEMPT TO TREAT WITH OUR PEOPLE, WHO AT THAT TIME COULD NOT POSSIBLY UNDERSTAND THE NEGOTIATIONS. NOW, WE ARE ASKING THIS SAME GOVERNMENT TO MAKE UP FOR PAST MISTAKES AND TREAT WITH US ON A MORE EVENLY EDUCATED LEVEL. THEREFORE, WE ASK THE GOVERNMENT NOT TO PROLONG THE PROCESS OF ACKNOWLEDGEMENT, BUT TO ALLOW THE RECOMMENDATIONS PROPOSED BY THIS COMMITTEE TO BECOME LAW AND TO WORK TOWARD A SPEEDIER PROCESS IN ACKNOWLEDGEMENT FOR OUR PEOPLE IN CALIFORNIA.

WE ARE UNITED HERE TODAY TO SHOW UNITY, AND WHILE THE SAYING GOES ON "THAT THERE ARE NO INDIANS LEFT IN CALIFORNIA", WHAT DOES THE GOVERNMENT OF THE UNITED STATES CALL THE REPRESENTATION OF ALL THESE PEOPLE?

WE ARE ONE PEOPLE, AS A TRIBE. WE ARE ONE PEOPLE, IN OUR UNITY AS UNRECOGNIZED TRIBES OF CALIFORNIA. THE ASSOCIATION THAT WE HAVE FORMED IN THE CENTRAL VALLEY AREA REPRESENTS 13 TRIBAL GROUPS SEEKING FEDERAL ACKNOWLEDGEMENT. THE APPROXIMATE NUMBER FOR THIS REPRESENTATION IS AROUND 15,000 TO 20,000 INDIAN PEOPLE. WE FEEL THESE FIGURES ALONE PROVIDE PROOF THAT IS NECESSARY FOR THIS RECOGNITION. OUR QUESTION TO YOU IS, WHY ARE WE THE ONLY PEOPLE IN THIS LAND WHO MUST PROVIDE PROOF OF OUR ORIGIN? WE FEEL THE BURDEN OF PROOF SHOULD LIE NOT ON US BUT THE U.S. GOVERNMENT TO DISPROVE THIS FACT.

IN CLOSING SENATOR, THE WUKCHUMNI COUNCIL AND ITS MEMBERS SUPPORTS THE CURRENT PROPOSED LEGISLATION, SENATE BILL 611, AND ENCOURAGE YOU, YOUR COMMITTEE AND OTHER SUPPORTERS TO SEEK THE BACKING NECESSARY FROM THE OTHER MEMBERS OF CONGRESS TO PASS THIS IMPORTANT PIECE OF LEGISLATION FOR THE INDIGENOUS PEOPLE OF THIS LAND.

RESPECTFULLY SUBMITTED,

Marie L. Wilcox

MARIE WILCOX
SECRETARY FOR THE WUKCHUMNI COUNCIL

MW/dw

YOKAYO TRIBE OF INDIANS ANNUAL MEETING
April 15, 1989
9 a.m.
Discovery Inn, Landmark Room . Ukiah, California

AGENDA

I. Opening Remarks

- A. Chairperson-Designation
- B. Rules of Meeting
- C. Parliamentarian selection
- D. Agenda-Changes, Approval
- E. Enrollments Accepted

II. 10 A.M.- Resource Guest Speakers

- A. Roy Tindle-Community Dev. Commission
- B. Frank Zotter-County Council-Mendocino County
- C. Indian Health Service- Rick Seanor
- D. Nelson Redding-County Board of Supervisors (invited)
- E. CILS-Dave Rapport'

III. 12:00 Noon Break for Lunch

IV. 1p.m. Reconvene

- A. Options for a Water System
  1. Yokayo Tribe's own water system maintained by a water committee
  2. Rogina
  3. Individual Wells

V. Other Business

April 28, 1989 (18)

Senator Alan Cranston
California State Senator
Washington, D.C. 20510

The honorable Senator Cranston:

Today, as a representative for The Yokayo Tribe of Indians' Provisional Council, I Testified for S, 611 in order to expedite our "pending petition" for Federal Acknowledgement so that we may survive as an Indian Tribe of California.

I hope you will look into This bill and do what you can to influence The passage of This bill so That we can soon receive services and benefits which we need greatly.

We are presently in the review process of our petition, which is enclosed. If you need more information, please contact our Provisional Council leader, Mrs. Dorene Mitchell, at 1114 Helen Ave.; Ukiah, CA. 95482.

I am Testifying as her alternate Today because of her need at home. Please do not hesitate to contact her, or me, Romayne Shepherd; P.O. Box 236; Talmage, CA. 95481, or, phone Dorene Mitchell at (707) 462-4074.

Respectfully submitted,
Romayne Shepherd
Romayne Shepherd
P.O. Box 236
Talmage, CA. 95481

IN THE SENATE OF THE UNITED STATES

S. 611

ROMAYNE M SHEPHERD
for YOKAYO TRIBE OF INDIANS
1114 Helen Avenue
Ukiah, CA. 95482
Ph. (707) 462-4074

DANIEL INOUYE
CHAIRMAN
U.S. SENATE SELECT COMMITTEE
ON INDIAN AFFAIRS
HART OFFICE BUILDING
838 Washington, D.C. 20510

The Yokayo Tribe of Indians' Provisional Council welcomes you and thanks you for your interest in California Indians.

I am here to testify on behalf of the Yokayo Tribe of Indians, who have a "pending petition" before the Branch of Acknowledgement and Research under the U.S. Department of the Interior, Bureau of Indian Affairs. We are proceeding through the review process and hope to succeed before more of our beloved elders pass away.

I wish to inform you that we have been seeking federal acknowledgement since 1984, and have filed our petition in January, 1987. We hope that this bill will expedite the process and allow us to enjoy the benefits which the majority of other Indians of America do.

Section 7 (d) (5) of "Petitions for Acknowledgement of Status" which states, "The membership of the Petitioner is composed principally of persons who are not enrolled members of any other Indian tribe;" should not deprive Indians of ancestral or heritage rights (ie. Indians and juveniles who may be enrolled in another federal tribe by the other parent). Indians should have the opportunity to claim their ancestral and heritage rights from both Indian parents. Ancestral and heritage rights are sacred rights of Indians; just as religious freedom, as guaranteed to us in The CONSTITUTION OF THE UNITED STATES of America, "Bill of Rights"; a person has the right to change religion but is not forced to adopt only one religion and must forever stick to it. If the choice is to change one's religion, then the freedom of religion is not sacrificed. Indians should not have to sacrifice their natural heritage, which is their birth right and the gift of life endowed by the Great Spirit.

Approximately five hundred or more Indians throughout California are eligible to be enrolled through descendancy rights; however, only seventy members are duly enrolled because of "Rules and Regulations" governing non-enrollment policies of more than one tribe. Our tribe has been living under such Bureau of Indian Affairs rules for at least twenty years, but we are deprived of the benefits of B.I.A. services. We are now seeking federal status, since we meet the criteria already as specified by the Branch of Acknowledgement and Research.

We have not sought federal status before because of the fear of losing our land to the federal government; but, we already have sold an acre to the United States Government to hold in trust for us to have a school. We now realize that they held title to it since 1916 and did not use it for deceitful purposes; therefore, a trustful bond has been established between us and we will proceed with our petition.

We now desperately need the protection of federal status in legal, social, economic, health, educational, and other matters if we are to survive as an Indian tribe. We lived by our treaty with the United States in 1851 to the present day, even though we were supposed to receive 35,000 acres, as stipulated by the Treaty of Guadalupe-Hidalgo with Mexico in 1848, when California was ceded to the United States of America.

We have lived by California state laws, Mendocino County laws and codes, Ukiah (English spelling of our tribe's name) City laws, even when they made it illegal to associate with Caucasians; and, by our own tribal laws which remain. Unfortunately, some of our tribal laws conflict with the new social attitudes; therefore, we may have to re-educate our youth with attitudes concerning care for our Mother Earth and conservation of our environment.

In 1988 the state of California experienced the drought, but we experienced a drought condition since 1985. We went for two weeks without water in July, 1985, and intermittently for four days or less every few months. We may receive some help from the state Community Development Block Grant to Mendocino County this year, 1989; but, this is still not guaranteed. We may need some protection with water needs in the future. We are developing plans for future water needs, but we may experience problems with neighbors who need water for their vineyards and animals.

We hope to find a workable solution for our human needs for water with the help of the state and county health and safety codes.

PETITION OF THE YOKAYO TRIBE OF POMO INDIANS TO THE SECRETARY OF THE INTERIOR, REQUESTING THAT HE CONVENE A FEDERAL ELECTION FOR THE PURPOSE OF ALLOWING THEM THE OPPORTUNITY OFFICIALLY TO RATIFY THEIR CONSTITUTION UNDER THE PROVISIONS OF THE INDIAN REORGANIZATION ACT, 25 U.S.C, SECTION 461, ET SEQ.

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Date Complete:	June 28, 1986
Date Submitted:	October 1, 1986

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PETITION OF THE YOKAYO TRIBE OF POMO INDIANS TO THE SECRETARY OF THE INTERIOR, REQUESTING THAT HE CONVENE A FEDERAL ELECTION FOR THE PURPOSE OF ALLOWING THEM THE OPPORTUNITY OFFICIALLY TO RATIFY THEIR CONSTITUTION UNDER THE PROVISIONS OF THE INDIAN REORGANIZATION ACT, 25 U.S.C, SECTION 461, ET SEQ.

The Yokayo Tribe located in Ukiah, California submits this Petition to the Secretary of the Interior, through its duly appointed Constitution Committee and in cooperation with its Provisional Council and its Enrollment Committee, that the Secretary of Interior authorize and hold a special Federal election to establish a Yokayo Tribal Constitution.

Doreen Mitchell, Florence Paoli, Victor Williams, Sandra Peters, and Ines Nelson are the Yokayo Captains and Trustess, collectively constituting, and now known as, "the Provisional Council." They represent the Tribe with regard to the federal trust land, and private trust land held under California and tribal law, under successive deeds in the name of the Tribal Captains, acting as Trustees according to Yokayo custom, for the rest of the Tribe. The continuous line of Captains, now called the Provisional Council of the Yokayo Tribe of Indians, have carried the powers and responsibilities of all Yokayo Tribal representation, government and administration since the creation of the Yokayo Rancheria.

Title 25 U.S.C. Sec. 476 provides that any "recognized" Indian tribe may organize for its common welfare and adopt an appropriate Constitution by a majority vote of the adult members of the tribe:

> Any Indian tribe, or tribes, residing on the same reservation, shall have the right to organize for its common welfare, and may adopt an appropriate constitution and bylaws, which shall become effective when ratified by a majority vote of the adult members of the tribe, or of the adult Indians residing on such reservation, as the case may be, at a special election authorized and called by the Secretary of Interior under such rules and regulations as he may prescribe. Such constitution and bylaws, when ratified as aforesaid and approved by the Secretary of the Interior, shall be revocable by an election open to the same voters and conducted in the same manner as hereinabove provided. Amendments to the constitutution and

> bylaws may be ratified and approved by the Secretary in the same manner as the original constitution and bylaws.

The Tribe was signatory to an August 22, 1851 Treaty with the United States in 1851, though the Treaty was never ratified. Though already recognized as a federal Indian tribe, the Yokayo Tribe of Indians never had an election to accept or reject acknowledgement as a federal Indian Tribe under the provisions of 25 C.F.R. 461 et seq., the Indian Reorganization Act, in the year following the Act during which any Tribe coul reject IRA recognition. The Tribe should be considered eligible for acknowledgement as an "I.R.A. Indian Tribe," and to have an I.R.A. election, since failure by the Bureau of Indian Affairs to convene an I.R.A. election in the past obviously did not constitute a formal rejection of such acknowledgment on their part within any reasonable interpretation of the Act.

Since 1916 the United States has held land put into federal trust status on behalf of the Tribe. That trust land was condemned in an action brought by the United States Attorney General on behalf of the Secretary of Interior and set aside from the private trust land base originally purchased by the Tribe's traditional Captains for the Tribe on October 20, 1881. After the establishment of the trust land base, which became the site of the Tribe's school, the Captains (predecessors to the Provisional Council composed of the modern Captains), retained the balance of the original said land base in private trust on behalf of the Tribe, and actually added to the private trust land base until the early 1920s. A letter (a copy of which is appended below) from Richard H. Burcell of December 4, 1981 to Trustees Dorene Mitchell and Florence Paoli stipulated that:

> In 1916 the United States acquired by condemnation process title to one-half (1/2) acre within the 120 acre tract and erected a day school for the Yokayo Indians. The school was discontinued about 1925 and the building used thereafter for community purposes until it was destroyed by fire on January 19, 1943. The small tract has not been used by the government.

The portion of land placed in federal trust status in 1916 has remained in federal trust status, notwithstanding the failure of the federal government to aid the Tribe in organizing a constitutional election under 25 C. F. R. 476.

Thus, the Tribe contends they are eligible to request the election on the basis of "residing on" a federal trust land base held in their name, and on the basis of having been recognized as an federal Indian tribe for various purposes. See the appended RECITAL OF FACTS AND YOKAYO TRIBAL HISTORY and appended documents, hereby incorporated by reference.

Though tribal ratification of a draft constitution in such a manner cannot be accomplished until the Secretary of the Interior authorizes a special election, still the Constitution may be effective as a Tribe's governing document for other purposes, pending formal federal approval and acknowledgement, and it is on this basis that the Provisional Council will continue to represent and govern the Tribe under the present provisional governing document.

According to 25 CFR Sec. 81. 5 (a):

> The Secretary shall authorize the calling of an election to adopt a constitution and bylaws or to revoke a constitution and bylaws, upon a request from the tribal government,

and by the present Petition, the Yokayo Provisional Council (consisting of the duly appointed Captains or Trustees), through the Constitution Committee, makes such a request, recalling that the word "shall" imposes a non-discretionary duty on the Secretary to call elections, according to Judge Milton Schwartz's decision in Coyote Valley Band of Pomo Indians, et. al vs. United States, Civ.84-482, U. S. Dist. Ct, Eastern District of California, April 2, 1986 (p. 24).

In 1947, Theodore H. Haas, as Chief Counsel for the United States Indian Service, provided a description of the process by which a tribe could organize under the IRA of 1934 in Ten Years of Tribal Government Under I.R.A., p. 2 (1947), and he wrote:

> When a tribe is ready to draft its constitution, a constitutuional committee of representative tribal members is chosen. It is the duty of this committee to draw up a constitution which will fit the neeeds of the tribe. The Department offers its assistance in the preparation of such documents, but only to the extent that such assistance is required. Scrupulous care is exercised to see that the document as drafted represents the wishes of the Indians.
>
> When the constitutional committee has completed its draft and is ready to present the constitution to the tribal members for a vote, an election is requested by the constitutional committee or by a petition signed by one-third of the adult members of the tribe. The calling of this election is mandatory upon the Secretary of the Interior when the request is made in the manner prescribed by law. Thus a tribe may vote repeatedly upon the question of adopting a constitution, in those cases where such elections have failed to carry. It is not within the Secretary's discretion to determine whether or not the election shall be called. <Emphasis added.>

Clearly, the Tribe's Constitution Committee is a proper body to request the election in the present case.

Thus, for the Secretary of Interior to convene an election for this Tribe at this time would be consistent with the intent of 25 CFR Sec. 81 et seq., 5 U.S.C. Sec. 706 (2) (a) of the Administrative Procedure Act, and 25 U.S.C. Sec. 476, and the policies underlying these statutes, as well as the Secretary's own administrative regulations.

Indeed, the Coyote Valley Band of Pomo Indian, the Hopland Band of Pomo Indians, and the Karuk Tribe of California successfully maintained in Coyote Valley Band of Pomo Indians vs. United States, Civ. 84-482, U. S. Dist. Ct, Eastern District of California, April 2, 1986 that in order to be consistent with the statutory policy in favor of tribal self-government, "section 476 of the IRA must be interpreted to impose upon . . ." the Secretary "a mandatory, nondiscretionary duty to authorize elections within a reasonable time after a final request from an eligible tribe . . . ," and, "while the Secretary may offer recommendations for the modification of draft constitutional provisions prior to elections, the Secretary has the discretion to approve or disapprove the constitution only after an election has been held and the constitution officially ratified by the majority vote of tribal members" (at p. 3).

This Petition was acted upon by the Yokayo Constitution Committee (duly authorized and created by the Provisional Council of the Yokayo Tribe of Indians on May 12, 1986, for this purpose), in a regular meeting held , 1986. The Constitution Committee voted in favor of this Petition by a vote of for and against, with abstaiining and absent. This Petition has not been changed or amended in any way.

WHEREFORE, in accordance with the procedure outlined by Theodore Haas, described hereinabove, under which such a duly authorized Constitution Committee may request an IRA election under 25 C.F.F. 461 et seq. and 25 C.F.R. 81 et seq., the Yokayo Tribe of Indians through its Constitution Committee accordingly respectfully requests such an election at the earliest convenient time, within ninety days from the date of the submission of this Petition.

RESPECTFULLY SUBMITTED,

CAPTAINS/TRUSTEES	DATE
1.	
2.	
3.	

YOKAYO TRIBE OF INDIANS' TRIBAL CONSTITUTION

PREAMBLE AND PURPOSES

WE, THE INDIANS OF THE YOKAYO TRIBE OF INDIANS, in order to establish our tribal organization, to conserve our tribal property, whether held in tenancy in common, in private trust status, or in federal trust status, to preserve and protect our culture and heritage as the Yokayo Tribe of Indians, to develop our community resources, to secure the benefits, rights, privileges and powers as provided for by any laws of the United States now existing or that may hereafter be enacted for the benefit of Indians or other citizens of the United States and administered by various government agencies, such as relief, conservation, rehabilitation, resettlement, welfare, education, health and other programs, and in order to promote the welfare of ourselves and our descendants, adopt and ordain this Constitution, upon ratification, approval and certification.

ARTICLE I

Name

The name of this TRIBE shall be the YOKAYO TRIBE OF INDIANS, hereinafter referred to as the TRIBE.

ARTICLE II

Territory and Headquarters

The jurisdiction of the Tribe shall extend to the boundaries of our land which we own, whether held in common, in private trust, or in federal trust status, and to such additional land as may be legally added thereto, including but not limited to the area of the Yokayo Rancheria, acquired between October 21, 1881 and the present date by ourselves and our ancestors for the habitation, use and benefit of all members and descendants of members of the Yokayo Tribe, as listed on the 1908 Yokayo Roll. The headquarters of the Tribe shall be in Mendocino County, California, unless and until otherwise provided by the Provisional Council, or thereafter, by the General Council.

ARTICLE III

Membership

Section 1.

Membership of the Tribe shall consist of:

(a) All Indians whose names appear on the official roll of California Indians prepared pursuant to the Act of May 18, 1928 (45 Stat. 502), as approved by the Secretary of Interior on May 16, 1933 or the 1944 rolls prepared for the 1944 land claim enrollment of California Indians, or the roll prepared for the 1964 land claim enrollment of California Indians, as well as their lineal descendants, as certified by the Enrollment Committee that shall serve under the Provisional Council pending the approval, ratification, and certification of this Constitution, provided, however that in no case shall any person be eligible for enrollment who is not a lineal descendant of a person or persons named on the 1904, 1908, or 1986 rolls of the Yokayo Rancheria.

Section 2.

No person, who is otherwise qualified, shall be enrolled if, by reason of membership in another tribe, band or community he has received benefits or shared in the assets of such, tribe, band or community, except by inheritance, or except as otherwise expressly provided by a duly appointed Enrollment Committee.

Section 3.

The official membership roll shall be prepared in accordance with an ordinance adopted by the members of the Tribe. Such ordinance shall provide for an Enrollment Committee and set forth the procedures to be used effecting enrollment and keeping a current roll. Pending the approval, certification and ratification of this Constitution, the official membership roll shall consist of the Roll approved by the Yokayo Tribal Enrollment Committee, June 29, 1986.

Section 4.

Any person who wishes to withdraw from membership in the Tribe must submit his/her withdrawal in writing to the Provisional Council, and thereafter, to the General Council's chairperson who shall direct the Enrollment Committee to adjust its records accordingly.

ARTICLE IV

Governing Body

Section 1.

Upon ratification, approval and certification of this Constitution, the Governing Body of the Tribe is the General Council composed of all members of the community with four (4) Executive Officers of the Tribe: Chairperson, Vice-Chairperson, Secretary, and Treasurer. Except for the first election as provided for in Article VI, Section 1, all Executive Officers shall be elected for the respective terms stipulated therein, or until their successors are duly elected and installed. The Executive Officers and Provisional Council shall determine their own procedures and shall not act except as provided in this Consititution.

Section 2. No Executive Officer shall be eligible to hold any other elective office in the Tribe during his/ her tenure as an Executive Officer, with the exception of the members of the Provisional Council, as stipulated in the present document.

Section 3.

Pending ratification, approval and certification of this Constitution as the Tribe's Governing Document, and the first election under this Constitution, the Tribe shall continue to be governed by the Tribe's Provisional Council, which shall retain all the governing powers and responsibilities traditionally exercised by the Captains and

Trustees of this Tribe, including the final authority in determining all legal, business, policies and procedures of this Tribe.

Section 4.

The Tribe's Provisional Council shall consist of the present Yokayo Captains, also known as Trustees, including Doreen Mitchell, Florence Paoli, Victor Williams, Ines Nelson, and Sandra Peters, or their successor(s) duly selected by the surviving or remaining members of the Provisional Council in accord with the ancient customary law of this Tribe; provided that, in the absence of any surviving or remaining members of the Provisional Council, the duly qualified voters of the Tribe may choose a replacement or replacements of the Tribe's Provisional Council, up to no more than the number of vacancies that shall then exist on the Provisional Council that shall be occasioned by the death or resignation of any member(s) of the said Provisional Council; and provided further for the purposes of this section only that the duly qualified voters of the Tribe, shall consist of the duly qualified members of the Tribe included on the approved Roll over the age of eighteen (18) on the day of the election; and provided further that the Provisional Council shall have and retain the power to appoint Executive Officers and members of committees and other agents who shall serve until the first election of Executive Officers provided for in Article V, or until their successors are duly elected and qualified. This Provisional Council shall have power to prescribe regulations for the conduct of the first election provided for in Article V.

ARTICLE V

Duties of Officers

Section 1. Chairperson:

(a) The Chairperson shall preside at all meetings of the General Council. The General Council shall consist of the eligible voters of the Tribe.

(b) the Chairperson shall execute on behalf of the Tribe all contracts and other documents approved by the General Council.

(c) The Chairperson shall have general supervision of all other officers, employees, and committees of the Tribe and see that their duties are properly performed.

(d) When the General Council is not in session, the Chairperson shall be the official representative of the Tribe.

(e) The Chairperson shall vote only in case of a tie vote at the General Council meetings.

Section 2. Vice-Chairperson:

The Vice-Chairperson shall have all powers and authority of the Chairperson in the absence of the Chairperson, and may, if authorized by the Chairperson, assist the Chairperson in the performance of his/her duties.

Section 3. Secretary:

(a) The Secretary shall keep the minutes of all General Council meetings, Executive Officers' meetings and any special meetings.

(b) The Secretary shall certify the enactment of all notices required by the Constitution.

(c) The Secretary shall receive all petitions provided for in the Constitution of the Tribe on behalf of the General Council.

(d) The Secretary shall attend to the giving of all notices required by the Constitution.

Section 4. Treasurer:

(a) The Treasurer shall have care and custody of all Tribal valuables.

(b) The Treasurer shall carry out the financial directives of the General Council, receive all monies of the Tribe and keep an accurate account of receipts and disbursements.

(c) The Treasurer shall deposit funds in a Tribal account, in a local bank selected by the General Council, where depositor's funds are insured by the Federal Deposit Insurance Corporation.

(d) The Treasurer shall give a financial report at all General Council meetings and all financial records shall be available for inspection by officers of the General Council, members of the Tribe, and representatives of funding sources and agencies.

ARTICLE VI

Elections

Section 1.

The first election of Officers under this Constitution shall be held within sixty (60) days following its effective date. At that election, the Chairperson and the Treasurer shall be elected to terms of two (2) years, or until their successors are duly elected and installed, while the Vice-Chairperson and Secretary shall be elected to terms of one (1) year, or until their successors are duly elected and installed.

Section 2.

The first election of the Tribe shall be conducted according to regulations prescribed by the Provisional Council, subject to the proviso that such regulations shall provide for fair elections; and secret balloting, absentee ballots, and a method for settling election disputes shall be included among its provisions. All subsequent elections of the Tribe shall be conducted in accordance with an election ordinance which shall be proposed by the General Council's Executive Officers and approved by the General Council. All election ordinances or regulations shall provide for fair elections; and secret balloting, absentee ballots, and a method for settling election disputes shall be included among its provisions.

Section 3.

All enrolled members of the Tribe who are at least eighteen (18) years of age on election day are qualified voters.

Section 4.

To serve as an officer, a person must be an enrolled member of the Tribe and be at least twenty-five (25) years of age.

ARTICLE VII

Powers

EXCEPT as otherwise provided in this Constitution, particularly with regard to the powers of the Provisional Council pending the formal approval, ratification and certification of this Constitution, the powers of the Tribe, including those specified in this Constitution, shall be exercised by the General Council.

Section 1.

The General Council, and pending the first election of Executive Officers, the Provisional Council, shall have such powers as may be authorized by the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), and such powers and responsibilities hereinafter provided, subject only to any express limitation imposed by the statutes or the Constitution of the United States:

(a) To manage, lease, contract or otherwise deal with Tribal assets and Tribal resources, and toward this end a land assignment ordinance shall be submitted to the General Council for adoption.

(b) To employ legal counsel.

(c) To enact ordinances, consistent with this Constitution, governing future membership, loss of membership and the odoption of members.

(d) To assess fees for the payment of expenses of the Tribe or to finance any project which in its opinion is for the benefit of the Tribe as a whole.

(e) To establish or join an established housing authority for any federal and private trust lands.

(f) To take such actions as are necessary or appropriate to carry into effect any of the foregoing powers and all the enumerated Purposes of the Tribe described in this document, and to notify the members of the Tribe of the actions taken.

(g) The power to incorporate non-profit organizations that will function on the Yokayo Rancheria federal trust land base and private trust land base.

(h) To enact a law and order code, and any regulatory or zoning ordinances, pursuant to and subject to federal law.

ARTICLE VIII

Bill of Rights

The protections guaranteed to persons by Title II of the Civil Rights Act of 1968 (82 Stat. 77), against actions of a Tribe in exercising its powers of Self-Government, shall apply to the Tribe.

Section 1.

An Arbitration Council shall be established in accordance with an ordinance prepared by the Provisional Council, and thereafter by the General Council and adopted by members of the Tribe.

ARTICLE IX

Meetings

Section 1.

General Council meetings shall be held on dates to be established by the General Council. Special meetings may be called by the Chairperson at the request of any three Executive Officers of the General Council. In addition, special meetings of the General Council can be called at the written request of 30 percent of the eligible voters.

Section 2.

A quorum for the purposes of meetings of the General Council shall consist of a majority of the members present at a duly convened meeting. A quorum of the Provisional Council shall consist of two members of the Provisional Council.

ARTICLE X

Referendum, Removal and Recall

Section 1.

Upon presentation to the General Council of a petition signed by 30 percent of the eligible voters, the General Council shall either: (1) Adopt the provisions of the petition by ordinance, resolution, or other appropriate action; or, (2) Provide that the issue presented by the petition be voted on within sixty (60) days, by secret ballot, at a regular or special election. The General Council shall abide by the vote of the majority of voters voting in any such election, provided that fifty (50) percent of the eligible voters have voted.

Section 2.

The General Council shall have the power to remove for cause any Executive Officer by an affirmative vote of thirty (30) percent of the voting members of the General Council. The General Council shall enact an ordinance which shall set the procedures for removal and specify the cause for removal. The removal ordinance shall not become effective until approved by an affirmative vote of the majority of the General Council.

Section 3.

The members of the Community shall have the power to recall or reinstate any Executive Officer. The Tribal Chairperson, or in his/her absence, or in a case involving the Tribal Chairperson, the Vice-Chairperson, shall call a special election fo the qualified voters of the Tribe for the purposes of considering the recall or reinstatement of an Officer or Officers upon the filing a petition with the Tribal Chairperson, containing the signatures of at least thirty (30) percent of the qualified voters of the Tribe. It will be the duty of the Executive Officers to call the special election within thirty (30) days after a petition is received by the Secretary.

ARTICLE XI

Vacancies

Vacancies of the Executive Offices created by death, resignation, removal or recall shall be filled for the unexpired term, within thirty (30) days by appointment through a majority vote of the General Council.

ARTICLE XII

Amendments

This Constitution may be amended by a majority vote of the qualified voters of the Tribe voting at an election called for that purpose, provided at least thirty (30) percent of those entitled to vote shall vote in such election; and shall become effective upon approval.

ARTICLE XIII

Ratification

This Constitution, upon approval by the Secretary of the Interior pursuant to the provisions of 25 CFR Section 461 *et seq.* and 25 CFR Section 81 *et seq.*, having been formally ratified by a majority of the qualified voters of the Tribe voting at an election called for that purpose by the Provisional Council, wherein a majority of those entitled to vote shall vote, and when approved by the voters, shall be certified upon receipt of notice of approval by the Provisional Council, and shall be effective from that date of the election;

provided, however, that pending the formal approval, ratification and certification of this Constitution as mandated herein, those portions and those portions only of this Constitutution describing the Purposes of the Tribe and the Powers of the Governing Body shall be the Governing Document of the Tribe upon the approval by signature of a majority of the members of the Provisional Council, in accordance with Tribal Customary Law, and consistent with the traditional rule of the Yokayo Captains.

Signature and Date:

Signature and Date:

Signature and Date:

Signature and Date:

Signature and Date:

APPROVAL

I, , the Assistant Secretary of Indian Affairs of the Interior of the United States of America, by virtue of the authority granted me by the provisions of the Indian Reorganization Act of 1934, 25 U.S.C. Section 461 et seq, and 25 C.F.R. 81 et seq., do hereby approve the attached Constitution of the Yokayo Tribe of Pomo Indians.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution.

Approval recommended:

Commissioner of Indian Affairs Date

Assistant Secretary of the Interior Date

Washington, D. C.

CERTIFICATION

Pursuant to the order of by the Assistant Secretary of the Interior for Indian Affairs, the attached Constitution was submitted for ratification to the members of the Yokayo Tribe of Indians and was on duly ratified by a vote of for and against, in an election in which at least fifty (50) percent of those entitled to vote cast their ballots, pursuant to 25 U.S.C. 461, *et seq.*, and 25 C.F.R. 81, *et seq.*

Dorene Mitchell, Captain/ Trustee Date

Florence Paoli, Captain/ Trustee Date

Victor Williams, Captain/ Trustee Date

Ines Nelson, Captain/ Trustee Date

Sandra Marie Peters, Captain/ Trustee Date

PETITION OF THE YOKAYO TRIBE OF INDIANS TO THE SECRETARY OF THE INTERIOR TO CONVENE A FEDERAL ELECTION FOR THE PURPOSE OF RATIFYING THEIR CONSTITUTION UNDER THE PROVISIONS OF THE INDIAN ORGANIZATION ACT, 25 U.S.C. SECTION 461, ET SEQ.:

RECITAL OF FACTS AND YOKAYO TRIBAL HISTORY

The Yokayo (variously spelled as Yukia, Yukiah, Ukiah, Yokaiah, etc.) Tribe has inhabited the Ukiah Valley for hundreds, perhaps even thousands, of years. By tribal custom and tradition, the Tribe has always owned its property communally with the effect that no member of the Tribe has any private interest in the Tribe's property. The Tribe is a political unit, a "known and separate body of people <who> have been since time immemorial a known and recognized tribe of Indians existing and living in tribal relations whith their own laws, customs, usages, and rules as such" (Findings of Fact and Conclusions of Law in Ruddick v. Albertson Mendocino County Superior Court, Case No. 6027 dated July 29, 1905, page 1. See Ruddick v. Albertson, 154 Cal. 640 (1908); A. L. Kroeber, Handbook of California Indians (Washington, D. C. 1925), 232-235, 250-253.).

As whites encroached on the Ukiah Valley in the late 1800s, the Tribe lost its aboriginal territory (see Kasch 1947). For a time, however, the United States did recognize the Yokayo Tribe.

For the Yokayo Tribe was signatory to an unratified treaty on August 22, 1851, concluded with the federal negotiator, Redick McKee, and signed at the Russian River near Ukiah, California. It appears in full here, and a discussion will follow below (the reader will note that the Tribe receives clear mention in the title of the treaty as "the . . . YUKIAS"):

(P.)

TREATY MADE AND CONCLUDED AT CAMP FERNANDO FELIZ, ON

RUSSIAN RIVER, IN THE STATE OF CALIFORNIA, AUGUST 22, 1851, BETWEEN REDICK McKEE, INDIAN AGENT, ON THE PART OF THE UNITED STATES, AND THE CHIEFS, CAPTAINS, AND HEAD MEN OF THE SAI-NELL, YU-KI-AS, ETC. ETC., TRIBES OF INDIANS.

<The Treaty began with introductory prargraph describing the Treaty as one of "peace and friendship," described the parties; then,>

ART. 1. The said tribes or bands acknowledge themselves, jointly and severally, under the exclusive jurisdiction, authority, and protection of the United States, and hereby bind themselves to refrain hereafter from the commission of all acts of hostility and aggression towards the government or citizens thereof, and to live on terms of peace and friendship among themselves and with all other Indian tribes which are now or may hereafter come under the protection of the United States.

ART. 2. Lest the peace and friendship established between the United States and the tribes should be interrupted by the misconduct of individuals, it is expressly agreed that for injuries received on either side, no private revenge or retaliation shall take place, or be attempted; but instead thereof, complaint shall be made by the party aggrieved to the other, through the Indian agent of the United States in their district, whose duty it shall be to investigate, and, if practicable, adjust the difficulty; or in case of acts of violence being committed upon the person or property of a citizen of the United States by an Indian or Indians belonging to or harbored by either of said tribes or bands, the party or parties charged with the commission of the crime shall be promptly delivered up when demanded, to the civil authorities of the State of California for trial; and in case the crime has been committed by a citizen or citizens of the United States upon the person or property of an Indian or Indians of either of said tribes, the agent shall take all proper measures to bring the offender or offenders to trial in the same way.

ART. 3. The said tribes or bands hereby jointly and severally relinquish, cede, and forever quit claim to the United States, all their right, title, claim, or interest of any kind, which they or either of them have to lands or soil in California. <See 81-82, Heizer 1972, which contain the "boilerplate" language of all the treaties McKee made in 1851.>

ART. 4. It is hereby further agree by the said Indian tribes or bands, that at the expiration of one year from the execution of this treaty, or at such time previously, or thereafter, as the United States shall require, they will remove with their families and property from the lands they now occupy, on Russian river, to the Indian reservation on Clear lake, made and reserved by the treaty concluded at Camp Lu-pi-yu-ma, on the 20th day of August, 1851, and there abide and remain; and it is stipulated and agreed on behalf of the United States that the said government will defray the necessary respenses of such removal, which shall be conducted under the authority of the Indian agent, and that the said tribes shall thereupon receive and enjoy all the advantages and rights secured by said treaty to Indians removing thereto; and for the maintenance and support of said tribes, until they shall be in condition to maintain themselves: that is to say, during the present year (1851) the United States will furnish them with one hundred head of beef-cattle, and two hundred sacks of flour, equal to ten thousand pounds, and a like quantity of the same for two years after their said removal and settlement upon said reservation; and for their permanent use besides the provisions, clothing, &c. given them at this camp, such brood stock, farming implements, mechanics, instructors in agriculture and learning, as their numbers may, when ascertained, entitle them to, upon a fair and just equality with the Indians now residing on Clear lake, as stipulated in the aforesaid treaty of Camp Lu-pi-yu-ma; and it is expressly understood and agreed that the said tribes or bands are to observe, fulfill, and be governed by all and singular the requirements, stipulations and articles of the said treaty of Lu-pi-yu-ma, as fully as if the same were incorporated and formally expressed in this treaty.

<There follow clauses of "boilerplate" language again, reproduced in Heizer, pp. 84-86.>

ART. 5. To aid the said tribes or bands in their subsistence while removing to and making their settlement upon the said lands, the United States, in addition to the presents of ten head of beef cattle, three sacks of bread, and sundry clothing, made to them at this council, will also furnish them, free of charge, at or near Vallejo, or elsewhere, as may be most convenient, with one hundred (100) head of beef-cattle, to average in weight five hundred pounds net, and two hundred (200) sacks of flour of fifty pounds each, in all ten thousand pounds, during the present year (1851), and a like quantity in each of the years 1852 and 1853, to be divided among them by the agent according to their respective numbers.

ART. 6. As early as convenient after the ratification of this treaty by the President and Senate, in consideration of the premises, and with a sincere desire to encourage said tribes in acquiring the arts and habits of civilized life, the United States will also furnish them with the following articles, to be divided among them by the agent according to their respective numbers and wants, during each of the two years succeeding the said ratification, viz: four hundred pairs strong pantaloons, four hundred cotton (hickory) shirts, three hundred linsey gowns, assorted, generally small, three thousand yards calico, three thousand yards brown sheeting, thirty pounds Scotch thread, six dozen pairs scissors, assorted, twelve dozen thimbles, five thousand needles, assorted, five hundred pairs two and a half point Mackinaw blankets, one thousand pounds iron, two hundred pounds steel; and in like manner in the first year for the permanent use of the said tribes, as their joint property, viz: twenty-five brood mares and one stallion, fifty milch cows and two bulls, eight yoke of work-cattle with yokes, chains &c., two large wagons, eight pair work-mules or horses, (one pair for each tribe) four breaking ploughs, eight small ploughs, eight sets harness for plough horses or mules, seeds of all proper kinds for planting and sowing, one hundred chopping axes, half-size, with handles, twelve mattocks, thirty dozen butcher knives, two hundred garden or corn hoes, fifty heavy spades, four grindstones, one United States flag. The stock enumerated above and the product thereof, shall be marked or branded "U.S." and with such other letter or letters as will at all times designate the ame to be the property of the said tribes; and no part or portion thereof shall be killed, exchanged, sold or otherwise parted without the assent and direction of the agent.

ART. 7. The United States will also employ and settle among said tribes, at or near their principal town or settlement, one practical farmer, who shall act as superintendent or director of all agricultural operations, to reside among them, with two assistants, all of practical knowledge and industrious habits; one carpenter or worker in wood, to direct and aid in construction of houses, repairing ploughs, wagons, &c.; one blacksmith; one principal school-teacher, with two male and two female assistant teachers to instruct said tribes in reading and writing the English language, &c., upon the manual-labor system, as well as in the domestic arts of housekeeping; all the above-named teachers, farmers and mechanics to be maintained and paid by the United States for the period of five years, and as long thereafter as the President shall deem advisable. The government of the United States will also erect suitable school-houses, dwellings, and shops for the accomodation of the teachers, farmers, and mechanics above specified, and for the protection of the public property.

ART. 8. These articles to be binding on the contracting parties when ratified and confirmed by the President and Senate of the United States.

In testimony whereof, the parties have hereunto signed their names and affixed their seals this twenty-second day of August, anno Domini eighteen hundred and fifty-one.

REDICK McKEE, <SEAL.>

<There follow the signatures of the Sai-nell representatives, then . . .>

For and in behalf of the Yu-ki-as tribe.

KO-YO-TO-WAS-SA, his x mark. <SEAL.>
CAL-NO-YA, his x mark. <SEAL.>
KA-A-TAN, his x mark. <SEAL.>
CHA-O-LAP, his x mark. <SEAL.>
LA-WIN, his x mark. <SEAL.>
KA-BA-DIAM, his x mark. <SEAL.>

<There follow the signatures of representatives of other tribes. . . .>

Signed, sealed and delivered in the presence of the undersigned witnesses; the above-mentioned articles, and the several articles and stipulations of the treaty of Camp Lu-pi-yu-ma, having been first fully explained.

John McKee, Secretary.
George Gibbs,)
) Interpreters.
George Whitehorn,)
H. W. Wessels, Brevet Major U. S. A. commanding escort.
John S. Griffin, Assistant Surgeon U. S. Army
Edward C. Kennedy.
Walter McDonald.
James A. Clarke.
Sashel Woods.
George Parker Armstrong.

The history of treaty negotiations in California at this time is a matter of notoriety, but oddly, though the Yokayos sued separately in the California Indian Claims suit, there never seems to have been much notice of the fact that there was a treaty with the Tribe. It is one of the four treaties assigned to McKee, as thoroughly explained in Robert F. Heizer's The Eighteen Unratified Treaties of 1851-1852 Between the California Indians and the United States Government, Berkelely: U. C. Berkeley Archaeological Research Facility, Department of Anthropology, 1972. I incorporate that entire text by reference here. Note that, as Heizer found, "Eighteen treaties were made but the Senate on July 8, 1852 refused to ratify them in executive session and ordered them filed under an injunction of secrecy which was not removed until January 18, 1905 <W. H. Ellison "The Federal Indian Policy in California, 1846-1860," Mississippi Valley Historical Review Vol. 9: 37-67, and "Rejection of California Indian Treaties: a Study in Local Influence on National Policy," Grizzly Bear Vol. 36, No. 217 (May pp. 4-5), No. 28 (June pp. 4, 5, 7), No. 219 (July pp. 6-7)>. It is easy to miss the inclusion of the Yokayos/ Yu-ki-as in this grab-bag of treaties, for a rather motley mess it certainly was.

Heizer wrote, "Rarely, if ever, in United States history have so few persons without authority been assumed to have so much, and given so much for so little in return to the federal government. The three Commissioners did not have the slightest idea of the actual extent of tribal lands of any group they met with. Their orders were to secure Indian title to California, and they managed to do this to their satisfaction by making treaties with some Indians and then dividing all of California west of the Sierra-Cascade crest into eighteen unequal cession areas which, happily, quite covered the entire region;" and the result was predictable: "Taken all together, one cannot imagine a more poorly conceived, more inaccurate, less informed, and less democratic process than the making of the 18 treaties in 1851-1952 with the California Indians. It was a farce from beginning to end, though apparently the commissioners, President Fillmore and the members of the United States Senate were quite unaware of that. The alternative is that all of these were simply going through motions in a matter which did not in the slightest degree really concern them. What better evidence of the latter possibility do we require than the fact that the Senate rejected on July 8, 1853 the very treaties it had itself authorized and appropriated funds for their negotiation on September 19, 1850" (Heizer 1972: 5; note that the treaty-making process was clearly described in Heizer 1972, pp. 2-5.)

The question arises, what significance the Yu-ki-as treaty had. The Yokayos were forced to abide by the requirements of the treaty with brutal force, and then to the whims of federal and local governments as well as those of settlers and other strangers. There can be no question that in specifically treating with this Tribe, in attempting to establish full relations with them except in ratifying the treaty itself, the United States' Indian Agents at least assumed the moral responsibility of having represented that the federal-Indian trust relationship had been established. To be frank, to say that the United States of America's treating with the Tribe through authorized agents (notwithstanding the fact that the resulting treaty was never ratified) did not result in federal recognition that the Yokayo Tribe, a "domestic dependent nation," existed as a Tribe, is to say that the Yi-ki-yas Treaty of August 18, 1851 was one of the most obscene practical jokes on the part of U. S. Indian Agents, or one of the most profoundly evil conspiracies on the part of certain members of the California delegation to U. S. Congress (see Heizer 1972: 17, ff.) in American history. The Tribe by no means can expect the United States to abide by a treaty the Senate never ratified, and of a type that has not been made since 1871. However, the Tribe does believe that if the United States were to refuse this Tribe recognition as a Tribe, the act would constitute an abandonment of national honor.

The Yokayo Tribe has been identified ever since, continuously, as an Indian Tribe. Under a group of town Captains, led by Captain Lewis, the Tribe purchased fee title to 120 acres of land, a mere fragment of their ancient land base southeast of the present town of Ukiah, California (see Kasch 1947, below). The United States has never recognized the entire land base as Indian Country under 18 U.S.C. 1152, norhas the United States forbidden recognition of the Tribe by any statute, nor has the Tribe ever been formally terminated.

In 1916, a parcel of Yokayo land, at the request of Captain Lewis, was put into federal trust status for the benefit of the Tribe, in order to provide for the education and training of the Yokayo Tribe's young people. This parcel of land remains in trust, although through negligence the school-house was burned some time ago. Therefore, the Tribe is beneficiary of a trust land base and ought to be recognized as an Indian Tribe. Fix noted that in 1916, the federal government finally took action to recognize the Yokayo Tribe and to afford it some of the "fostering Care" (U. S. v. Sandoval) its guardianship of the Tribe required. In the United States District Court for the Second Division of the Northern District of California, the United States filed a complaint to condemn a portion of the Yokayo Rancheria to build a schoolhouse for an Indian day school (United States v. Lewis, et al.) It was brought at the instigation of the Secretary of the Interior, the federal executive responsible for the operations of the Bureau of Land Affairs. A copy of the complaint and the final order are attached hereto.

The United States initiated the condemnation action after receiving pleas from Catholic priests who ministered to the Yokayo Tribe to provide an education to Indian children, who at that time were denied entrance to the public schools. One important and interesting point is that the action was brought against the "owners of the property," but the only ones named in the suit were the Captains. The action was brought under "An Act to authorize the Condemnation of Lands for Sites of Public Buildings and for Other Purposes," approved August 1, 1888 (25 Statutes at Large, Page 337; at p. 2 of complaint). It is significant that the United States brought this suit "in accordance with the provisions of the said Act just referred to," and that "the Secretary of the Interior has determined that the following described land and the fee simple title thereto is necessary for the site for the building of a schoolhouse for Indian day school purposes" (p. 2).

Here is the critical language strongly demonstrating the Secretary's intent to acknowledge the Tribe (p. 3, line 30, ff.) "these proceedings are prosecuted under the direction of the Secretary of the Interior and of the Attorney General of the United States, as hereinbefore specified," and:

> That the said property hereinbefore described and herein sought to be condemned, is required and is necessary for public use, to wit: for the education of the Indians within that vicinity (p. 4, lines 3-6).

The United States Attorney was James W. Preston; and the Assistant United States Attorney was Edward F. Jared.

Aside from the other acts of recognition by the federal government, the establishment of the school for the Yokayo Tribe on land which the Tribe may still retain a beneficial interest (see Cohen 1942: 287) irrevocably established the Tribe's status as a federally recognized Tribe.

Essentially, the Tribe's action in purchasing a portion of its aboriginal teritory, exclusive possession of which it had had under Indian title or an Indian right to occupancy, re-established that Indian right of occupancy protected by the Indian Non-Intercourse Act, now codified in 25 USC Sec. 177. Note that "Indian tribe" for the purposes of 25 USC Sec. 177 is "a body of Indians of the same or similar race, united in a community under one leadership or government, and inhabiting a particular, though sometimes ill-defined territory." Thus, it is only necessary that a tribe be racially and culturally distinct <U.S. v. Candelaria, 271 US 432, 442 (1926); Montoya v. U.S., 180 US 261, 266 (1901)>. Indian tribes can establish an Indian right of occupancy even after the United States acquired jurisdiction over them <Cramer

v. U.S., 261 U.S. 219 (1923); Turtle Mountain Band of Chippewas v. U.S., 490 F. 2d 935 (Ct.Cl. 1974)). In Cramer, the U. S. Supreme Court held that California Indians could obtain an Indian right of occupancy in the public domain after California entered the Union as long as the land was enclosed by a fence, the latter proviso tending to assure that the boundaries were well defined. The same function is served when a deed describes property purchased by a tribe. When, as in this case, the land is subsequently put into federal trust status on behalf of the Indian tribe, that circumstance clearly suggests that the United States has recognized the Tribe as a federally recognized tribal government.

In 1935, many tribes had the opportunity to hold elections on IRA recognition. Theodore Haas (1947) listed actions by tribes on the IRA in California (14-15). Several tribes he listed as being "IRA tribes" never had elections, including Blue Lake, Cuyapaipe, Big Bend, Cedarville, Colfax, Lytton, Millerton, Santa Rosa, Sebastopol and Strathmore. Many of these tribes had no election, or the lands were uninhabited, or in the case of Santa Rosa, actually refused to have any election. They all became "IRA" by default, because they did not vote against it within one year, in the terms of the act. The Yokayos have no record of having been approached to have an election on IRA by the BIA, but do have correspondence from the Bureau in the 1960s, directed to the governing Captains, offering them the golden opportunity to have their federal trust land removed from trust status, falling curiously after the Mendocino County Superior Court's Final Minute Order of October 11, 1966, declaring that the State of California had no jurisdiction to determine the property relations of the Tribe! (See attachments). The burden of explaining why the Yokayos were omitted from this list lies with the Bureau, not with the Tribe. By the terms of 25 USC 461, et seq. (1934), they should be an IRA tribe, and are clearly entitled to request a federal election under 25 CFR 81. 5 and

25 USC 476, as stated above.

Histories of the Tribe and its territories appear in the ethnohistorical, historical and anthropological literature. According to Charles Kasch, "The Yokaiah Rancheria," *California Historical Society Quarterly*, Vol. XXVI, No. 3, September 1947, pp. 209 ff., in 1881: "Captain Lewis and Dick stated that since they were becoming old, it was necessary for the protection of the tribe that the tenure and ownership of the land be fixed and established by indisputable records and decrees. They added that there remained only 74 members of the tribe." He wrote:

> One hundred and twenty acres of the soil of California have been the site of a pure communal society since 1881, its members living in harmony with the laws of both state and nation. As will be shown, its organization has been validated by the Supreme Court of California and the title to its lands protected in perpetuity for the children of the original incorporators and their descendants."
>
> This communal site is located on the Russian River, about five miles southeast of Ukiah, . . . The official name of the society is the Yokaiah tribe of Indians; the common name of its property, the Yokaiah rancheria.
>
> <The> Pomo Indians (members of the Hokan family), the group to which this tribe, the Yokaia-pomo, belongs, once occupied practically the whole of the Russian River watershed, the word itself, Yokaia—"south (end of the) valley"—appearing to have originated in the fusion of two villages, Shokadjal, upstream in Ukiah Valley, and Tatem, farther downstream (Kroeber 1925: 232-233; Barrett 1908: 1-3332; Gifford and Kroeber 1937: 121). . . .
>
> The lands in the Russian River Valley adjacent to Ukiah were held as communal property for generations by the progenitors of these Indians. Encroachment by the whites began in 1844, when Fernando Feliz obtained the Sanel grant, now know as Sanel Valley, the site of Hopland. Although, as was mentioned above, the grant to Juarez was made in 1846, conveying eight "sitios de ganado mayor," or eight places for cattle—approximately eight square leagues—the first actual settler in the Ukiah Valley seems to have ben John Parker, who drove in a band of cattle in 1850 or 1851. This was the beginning of the end of the ancestral life of the Indians, resulting ultimately in the creation of the Yokaiah rancheria.
>
> The 12,000-odd fertile acres now known as Ukiah Valley were the natural home of the Yokaiah Indians within the memory of their four chiefs, Dick, Lewis, Bill, and Charley. While was primitive, there were few real hardships. . . . <there follows a history of the conveyance of the lands to whites under the March 3, 1851 Act "to Ascertain and Settle the Private Land Claims in the State of California." Conveyance went to Juarez, resulting in a complete loss by the Yokayos, who were never compensated, in an 8 March 1867 patent, thence to Mariano G. Vallejo on 16 August 1852, thence 9 February 1867 from Vallejo and Ryan to Currey, Hastings and Carpentier, "distinguished citizens of California," all. (p. 210).> Appropriation of the

Indians' land did not await confirmation of the grant or the official survey of its boundaries. In 1856 a declaratory statement to pre-empt 160 acres was filed by Samuel Lowry. . . . <Upon the invasion of the Valley,> The three owners of the Juarez grant had a survey made of the different claims and agreed to sell so as to average $2.50 an acre for the entire tract. Thus, for the second time, Ukiah Valley was lost to the Yokaiah Indians. <Thereafter, even the woods and hills were invaded, and on May 21, 1862, Lincoln introduced Homesteading. When the process started, 200 members remained of the Tribe, following their survival of an abortive attempt to move to their Reservation in Lake County in keeping with their Treaty of 1851> but each year they became more limited in their freedom of action as their lands passed into private ownership. . . . By 1881, their number had been reduced to 135, according to the court records at Ukiah. In that year they made their headquarters on the ranch of J. H. Burke, about five miles south of Ukiah, but this was only by the license of the generous rancher. . . . <Burke, writes Dorene Mitchell, a member of the Provisional Council, was married to a Yokayo woman>.

It is definitely known from court records . . . that at this time, Dick, Lewis, Bill, and Charley were the chiefs. Sufficient time had now passed to determine the effect of the coming of the whites upon the Indians <p. 211; Dorene Mitchell adds here that Captain Lewis was the leader, and that others were named to help handle the property. Captain Lewis was raised by Spaniards, and he learned about real estate law. He returned to his Tribe an able young leader.> . . .

These able men realized that their tribal lands were gone, and that unless something was done they must live only by the sufferance of others. To them the solution was to work for the white man and use their earnings to buy a portion of the lands that had been taken from them. Thus, and thus only, could they establish a home for themeselves and their people which would be protected forever under the laws of the country. The chiefs sent word that on a certain specified day the members of the tribe should assemble at the Burke ranch and bring all the white man's money they possessed.

The Yokaiah tribe, men, women and children, gathered at the appointed time. The chiefs explained the uncertainty of the future for the tribe--their inability to retain money, the encroachments of the whites, the loss of their homes. They said that the meeting had been called for the purpose of gathering the accumulated money of the tribal members, in order to purchase land which should be owned by the entire tribe and upon which they and their descendants might have a home forever. At the conclusion of the speeches by the chiefs, a blanket was spread on the ground and each tribal member was asked to make his contribution to the comon fund. When the gold and silver coins were counted, the total approximated $800.

The next problem for the chiefs was the selection of a site for their future home. They required access to the river for fishing and bathing; they required fertile land to produce crops for food and sale, and also high ground where their homes would be free from floods. A tract of 120 acres, running from the Russian river into the foothills to the east, was finally selected by the chiefs. However, the price was fixed by the owner at $4,500. Not daunted, they undertook the purchase and with the $800 already collected made the down-payment.

The Yokaiah Tribe of Indians then moved upon their own lands. The knowledge and foresight and determination of the four chiefs carried them on. They tilled the soil, sold baskets, and worked for the whites, all the while contributing, as they could to the common fund. Every dollar of the debt was finally paid, and on October 20, 1881, the deed was executed and recorded, according to white man's law, to "Dick, Lewis, Bill, Charley, all Indians, and their tribe."

The second golden age began for the tribe. They were free of debt and owed their land. It was not the broad acreage of the Yokaiah Valley and the tributary mountains and streams. Their holdings were reduced from thousands to the 120 acres specified in their deed, and yet conformable to white man's law, it was their home and their children's forever. They had recovered, for a price, a portion of their ancestral lands.

The chiefs new undertook to farm according to the methods of the whites. Farming machinery was purchased with tribal funds, crops were planted and an abundant yield brought funds into the tribal treasury. Many <p. 212> of the business transactions with the outside world were too intricate for them, and, wisely, they engaged F. C. Albertson, a kindly and competent white man, to act as their agent and handle their money. He paid their taxes, protected them in their contracts and was custodian of the tribal funds, which were paid out upon request of the chiefs. The tribal money was used not only to pay taxes and operate the farm, but for feasts and barbecues, marriage festivals, and to bury the dead. At one time the state of the exchequer warranted a dividend and $200 was distributed amongst members of the tribe. The court records show that in 1904 there was a cash balance of $2,669.97, with no outstanding debts.

After twenty-three years of uninterrupted harmony and prosperity, the first real difficulty arose. Chief Bill died in 1901, and Chief Charley <a.k.a., Charley Pinto, and Dorene Mitchell adds here that the latter was "claimed as a relative by the Knights"> in 1904. By this date the property had enhanced in value to several times the original purchase price of $4,500, which led T. J. Weldon, a white man, to become interested. He had himself appointed administrator of the states of the dead chiefs and laid claim to a half interest in the rancheria on behalf of the heirs. Had he been successful, the communal enterprise would have immediately ended. However, he had not reckoned upon the two survivors, Dick and Lewis. The four original chiefs, individually and collectively, had recognized and fulfilled their trust on behalf of the tribe. The two old chiefs, left to carry on, were determined that the white man should not again drive their people from their home, and that they were entitled to the protection of the laws of California.

The records at Ukiah, referred to above, show that in 1904 Dick and Lewis, for and on behalf of the Yokaiah tribe of Indians, commenced suit in the Superior Court of Mendocino County to establish that the original deed to "Dick, Lewis, Bill, Charley, all Indians, and their tribe," created a trust for the benefit of the members of the Yokaiah tribe. The surviving chiefs explained to the white man's court how their departed co-chiefs had, during their lives, recognized and respected the obligations of the trust; and they stated that they, the survivors, still recognized such trust. They also stated to the court that they were impelled to bring the action because of the uncertainty of their lives and the rapid destruction of their tribe by death and disease, and because they feared that within a short time--so large had been the death rate among the members of the tribe--there would remain no members who knew the facts establishing the original trust. Dick and Lewis finally stated that, since they were becoming old, it was necessary for the protection of the tribe that the tenure and ownership of the land be fixed and established by indisputable records and decrees. They added that there remained only seventy-four members of the tribe <See the 1904-1908 roll used in the case, Ruddick v. Albertson, 154 CR 640>.

The white man's judge, Hon. J. Q. White, decided the case for Dick and Lewis. However, the battle was not over. It raged on until 1908, when the Supreme Court of California decided for the old chiefs, holding that the <p. 213> original deed to the Indians passed a good title for the benefit of the tribe, "and that such title will descend in perpetuity." It was the opinion of the court that the land was held in trust and that the chiefs were trustees. Justice F. W. Henshaw, in disposing of the attack upon the title, said:

> But, finally, it may be said, that it would be a reproach to our jurisprudence if, under all the circumstances, shown, our laws should compel that this tribe be driven from the land which it had purchased, and forced again to become wanderers on the earth. But such reproach, if we take it, does not attach. At common law, it is true, a deed of conveyance to an unincorporated voluntary association was bad for lack of a capable grantee, and cases will be found which hold that where the grantee could not take directly, he or it cannot take through the medium of a trustee. But from this grew an abuse which equity was prompt to remedy. So that it is now recognized that a valid grant may be made to trustees for such an unincorporated voluntary association, and that such title will descend in perpetuity. And certainly, if ever there was a case where equity would seek to sustain such a grant, it is the case presented here.

The Yokaiah rancheria is still being administered as communal property. Early in August, 1935, a tribal meeting was held at which five chiefs were selected to take the places of chiefs Dick, Charley, Bill and Lewis, all deceased. On August 6, 1935, a proceeding was filed in the superior court of Mendocino County to confirm the selections, and an appropriate order was made by the court on November 8, 1935, except that, conformable to white man's law, the chiefs were designated as trustees.

Dick, Lewis, Bill and Charley have all gone to the happy hunting ground. The Ukiah Valley, where they and their ancestors roamed, hunted and fished, doing much feasting and little fighting, now belongs to the white man. . . . However, one small portion of this valley, 120 acres, has descended to the members of the Yokaiah Indians, and by decree of the white man's court, will descend in perpetuity. The four old chiefs lie buried on the hill in the tribal cemetery, overlooking the fertile acres they acquired for their people. There the descendants of the Yokaiah tribe now reside, in the same communal society that was established through the wisdom of their chiefs, and at peace with their neighbors. <Dorene Mitchell notes that "After the death of the last leader, in 1935, Stephen Knight had himself appointed as trustee by the courts through attorney Charles Kasch. He appeased the older band mambers by naming four others as trustees too--who were true band members." p. 214. Fn. 18 on p. 215 observes, "A proceeding brought in the Superior Court of Mendocino Co. on August 16, 1935, No. 12567, asking for the appointment of trustees of the tribe to take the place of chiefs Dick, Charles, Bill and Lewis, all deceased. This proceeding culminated in the appointment of Manuel Variael, James Moranda, Taylor Mitchell, Frank Luff, and Steven

Knight, as trustees of the Yokaiah tribe. This order was made by the Superior Court of Mendocino Co. on Nov. 8, 1935.
Fn. 19, p. 215, noted Kasch's sources included Manuel Variael, Steven Knight, and F. C. Albertson, former County Recorder and President of the Ukiah First National Bank, and business manager of the property under the original captains.>

As the above excerpts of the Kasch article suggest, perhaps one of the most telling means of describing Yokayo tribal history, and to make a case for their existence as a tribe, is to look at the litigation that has affected the Tribe, in which the State of California and outside negotiators have attempted to aid the Yokayos in solving tribal problems.

What stands out in this record of litigation, as the Captains' attorney, Barbara Fix, has pointed out with great care, is that the Yokayos consider themselves a sovereign, a "Domestic Dependent Nation," at federal law, citing Worcester v. Georgia (1932) and Cramer v. U. S. (1922). The Captains, now collectively called the Provisional Council, have tried to accomodate tribal members and their families, care for the tribal property, using their own personal resources to do so, as the traditional leaders and authorized descendants in blood and appointment by the Captains and their own people, as repeatedly ratified in tribal meetings, notwithstanding actual physical assault, harrassment, abuse of process, and the like from interlopers and dissident factions since 1881. There could be no more familiar story in tribal experience anywhere in America. It is astounding, however, that the Captains have managed to keep things well enough in hand to keep the tribal property intact. They wish now to preserve their property and secure their sovereign powers at federal law, as a federally acknowledged government. The United States has repeatedly and abjectly failed in its trust responsibility toward these people: a well known tragedy in the County of Mendocino and in the courts of this state.

Ruddick v. Albertson, 154 CR 640 (1908). The case was brought by Captain Lewis and Dick Ruddick to protect the tribal land and to clarify the record on how that land was acquired by and for the Tribe, and to protect it from squatters and intelopers.

Dick Ruddick and Captain Lewis, "for and on behalf of the Yokaiah Tribe of Indians," filed the case in 1904. Two of the four captains appointed by the Tribe to handle the land purchase had died. T. J. Weldon had been appointed administrator of the dead captains' estates and was claiming that the conveyance by which the Tribe acquired title to the Rancheria had vested undivided interests in the captains named as grantees. The California Supreme Court upheld this Court's decisision that the property belonged to the Tribe and not to individual captains. In doing so, both courts characterized the conveyance to the four captains as creating a trust, as a conveyance to the captains for the benefit of the Tribe.

In 1935, after the deaths of all the original Captains, the Mendocino County court entered an order establishing continuing jurisdiction over the "trust" it said had been created by the 1881 deed, and appointing successor trustees, including a non-Yokayo, Steven Knight, in order to assure that in addition to the Yokayo appointees who might have conflicts of interests as co-beneficiaries with the rest of the Tribe, there would be one (Steven Knight) who, as a non-member, would have no such conflicts of interest (See the record in In the Matter of the Trusteeship of the Yokaiah Tribe of Indians, Mendocino County Superior Court, Civ No. 12567, Oct. 11, 1966, p. 1, ff.)

The Ukiah Redwood Journal for August 23, 1935 reported that an Indian woman was a candidate for Yokayo tribal leader; that, adopting, as it were, another of the white man's ways, the Yokayo Tribe of Indians had on file in Superior Court that week:

> a petition asking appointment by the court of three tribal trustees, or "chiefs" <sic!>, one of whom is a woman. The petition, filed through attorney Charles Kasch, marks the first known entrance into formal tribal politics by a feminine member of a tribe, here in a way establishing women's suffrage, in the governmental affairs of the Indians. Clara Williams is the feminine

> member of the trio seeking appointment as tribal trustee and the other two are Manuel Variael and Sam Williams, all members of the Yokaiah tribe, which owns the rancheria property on the old river road about five miles southeast of Ukiah. In part, the petition sets forth that 'there is and has been since time immemorial in Ukiah Valley, a certain voluntary association of individuals of the Indian race associated together for purposes of mutual protection and assistance and known and designated as 'Yokaiah Tribe of Indians,' and that the same are and have been, since time immemorial, known and recognized as a separate and established tribe of Indians existing and living in tribal relations with their own laws, customs, rules and usages as such.' <Note that this passage identifies this "Indian Group" as one having the characteristics of a political organization with retained powers of self-government which identify such a group as an "Indian Tribe." Following a further recitation about the Yokaiah's cultural conservatism and political and legal system, the article continues,> The petition further sets forth that all the chiefs are now dead, that there is no one to administer the trust and that at a tribal meeting the three petitioners were selected to act as trustees by confirmation by the court. <Note that the Yokayos themselves selected captains to replace the deceased ones, in the traditional manner. Here, they expressly identified the Captains as Trustees. Here follows some critical language on the duties of the "Trustees."> In addition to asking appointment of the three trustees, the petition also asks that certain definite powers be designated for them by the court as follows:
>
> 1. power to designate on which portion of rancheria Indians are to reside.
> 2. power to move from premises any Indian who refuses to reside on designated portion of land.
> 3. power to expel Indians who persistently refuse to live quietly and peaceably on the property.
> 4. power to exchange for other property or sell any or all premises as may be deemed best for tribe.
> 5. further power as necessary for most beneficial exercise of trust.
> 6. full management and control of property and farming operations thereon harvesting and marketing of crops and control of all income therefrom, with power to make expenditures necessary for conservation, operation and protection of the trust estate. It is also asked that the court maintain continuing jurisdiction in the present proceeding so that the trustees may file petitions as deemed necessary.

Steven Knight eventually blocked the appointment of Clara Williams as Trustee. It is quite obvious that the Trustees were seeking protection of their acts as officials with more than the powers of mere heads of a voluntary association: they wanted legal ratification of their authority as sovereigns, including, specifically, police powers, expulsion powers, exclusion powers, land control authority, full managerial powers, and the ability to do all that was needed for general welfare. The present Provisional Council insists on the preservation of these enumerated powers, among others.

In 1966, the Mendocino County Court entered an order refusing to appoint successor-trustees, leaving this matter entirely to the discretion of the Tribe, consistent with the Yokayos' own traditions of self-government, and terminating the Court's supervision of the trust. A copy of that order is attached. The rationale of that decision was that the characterization of the 1881 deed as a "trust" in Ruddick v. Albertson was "merely a fraud preventing device." For in 1908 an unincorporated association could not hold title to property in its own name in California. It was not until 1911, following the two Ruddick decisions, that California altered the law to allow the alternative. The Mendocino County Court then held that the 1935 action of the Mendocino County Court in assuming supervisory control of the "trust" away from the Tribe was void for lack of jurisdiction.

Here, I rely again on Defendants' "Memorandum of Points and Authorities in Support of Demurrer to Complaint" in Whiterock, et al. v. Mitchell, Civ. 44691, Superior Court of California County of Mendocino, Aug. 7, 1981, by Barbara Ann Fix. The fact recitation repeats some of the matter in the Kasch article:

In 1916, a parcel of Yokaiah land, at the request of Captain Lewis, was put into federal trust status for the benefit of the Tribe, in order to provide for the education and training of the Yokayo Tribe's young people. The Captains received $50.00 at the close of the action, for the Tribe. This parcel of land remains in trust, although through negligence the school-house was burned some time ago. However, the United States retained the land, and never otherwise compensated the Tribe, in the form of services or in any other way. Nor has the United States, through any administrative or legislative action, returned the property to the Tribe. Therefore, the Tribe remains beneficiary of a trust land base and ought to be recognized as an Indian Tribe, under the procedures stipulated in 25 C.F.R Secs. 81 and 476, et seq..

Fix noted that in 1916, the federal government finally took action to recognize the Yokayo Tribe and to afford it some of the "fostering Care" <U. S. v. Sandoval, 231 U. S. 28 (1913)>, its guardianship of the Tribe required. In the United States District Court for the Second Division of the Northern District of California, the United States filed a complaint to condemn a portion of the Yokayo Rancheria to build a schoolhouse for an Indian day school (United States v. Lewis, et al.) It was brought at the instigation of the Secretary of the Interior, the federal executive responsible for the operations of the Bureau of Land Affairs. A copy of the complaint and the final order are attached hereto, and is discussed at greater length, hereinelsewhere.

The Yokayos were one of the few California Indian tribes that originally brought suit individually in the California Indian Claims suite of litigation, with the representation of Kasch and Cook. The Petition is titled: YOKIAH TRIBE OF INDIANS, also known as Yokayo Tribe of Indians, also known as Yokayo Rancheria, and STEVEN KNIGHT, DOREEN SCOTT, AND JAMES MORANDO, as trustees of the Yokayo Tribe of Indians, Petitioners, vs. THE UNITED STATES OF AMERICA, Defendant. A copy of that Petition is attached to the present Petition.

The continuing failure of the United States to acknowledge the Yokayos formally in the Federal Register and for the purposes of providing access to technical assistance, protection from the intervention of local governments since 1881, and programs (particularly health services, education services, and self-determination programs), as a Tribe, has occasioned perennial confusion and disharmony in the community. Here, I rely again on Defendants' (Captains Mitchell and Paoli) "Memorandum of Points and Authorities in Support of Demurrer to Complaint" in Whiterock, et al. v. Mitchell, Civ. 44691, Superior court of California County of Mendocino, Aug. 7, 1981, by Barbara Ann Fix, p. 2, ff.: Ten years earlier, in 1971, a faction of Yokayo descendants sought to overturn the 1966 decision by a petition that (with the exception of their causes of action to exhume Mr. Joaquin Alcantra's body and to restrain the use or sale of the Tribe's cut trees outside of the reservation) was virtually identical to their complaint in Whiterock, et al. v. Mitchell, Civ. 44691, Superior Court of California, County of Mendocino, Aug. 7, 1981. The Court entered a final minute order dismissing that petition on the grounds of res judicata. On December 8, 1971, the First Appellate District of the Court of Appeals entered its order denying the petition for writ of mandate filed by, inter alia, Dorene Mitchell and Florence Paoli.

A 1971 Final Minute Order In the Matter of the Trusteeship of the Yokaiah Tribe of Indians, Civ. 12567, from the Superior Court of the State of California for the County of Mendocino, Nov. 3, 1971 (Broaddus), at p. 1, ruled on the merits that property of the Yokayo Tribe is not subject to a voluntary trust in terms of California trust law over which the Mendocino County Court may exercise continuing supervision, quoting the Final Minute Order it had made October 11, 1966: "The petition for appointment of successor trustees is denied and the retention of jurisdiction for the purpose of making further orders in connection with this trusteeship as set forth in the order of Nov. 8, 1935, shall be terminated," declaring, "It is the court's opinion that the court in 1966 made a final minute order, not a judgement. The court believes that a determination was made on the merits and that the order was res judicata and is final." The Court did not deny the existence of a Trusteeship or Captaincy under Yokayo traditional law, but simply denied that it had authority to maintain jurisdiction as against tribal authority, as among members of the Tribe. The class of descendants of the Yokayo Roll established 1904-1908 owns the Yokayo Rancheria as tenants in common; and the care and management of the land is the responsibility of the tribal government, now composed of a Provisional Council of Captains, who act and serve for the benefit of the class of descendants of the 1904-1908 Yokayo Roll.

Early in 1972, Dorene Mitchell composed a narrative from the recollections of Indian elders from Yokayo and surrounding communities who were familiar with ranch history. See that attached statement, titled "Story of Sarah 'The Yish' Joaquin and her Children." That narrative examines many of the continuing controversies on the Ranch stemming from the inability of any jurisdiction outside the Tribe to cope with the Tribe's problems, even as the State continually interfered with the Tribe's business.

The case Whiterock, et al. v. Mitchell, Civ. 44691, Superior Court of California County of Mendocino, Aug. 7, 1981, constituted a collateral attack on the 1966 and 1971 decisions of the Court, and part of a continuing campaign to derogate the authority of the Captains, which, particularly in view of the 1971 Final Minute Order in In the Matter of the Trusteeship of the Yokaiah Tribe of Indians, constituted the only legitimate government of the Yokaiah Tribe in the court's eyes. Following the Final Minute Order of October 10, 1966, there was a Yokayo Rancheria meeting of October 1966, and January 1967, in which the authority of the Captains was ratified. The old order of rule by Captains, which had existed, according to Yokayo tradition, since time immemorial, had been reified and reordained. The Captains wished to protect and improve the property of the Yokayos, and insure the general health and welfare of the members, and still desire to do so as the Provisional Council until the establishment of a tribal constitution under the IRA 25 USC Sec. 461, et seq. <Here, the Tribe incorporates generally by reference pp. 5 to 12 of the Demurrer, correcting fn. 3, p. 10, line 23, to read, "is contained in 25 CFR 83. 7. . . .">

In the 1981 Whiterock case, the Plaintiffs asked that Salomi Alcantra's husband's body be exhumed from the tribal burial ground, and that the Court resume jurisdiction over all the Tribe's property, including that in which legal title is vested in the United States, and over all the Tribe's internal affairs" (p. 16 line 27 through p. 17 line 3). The record in In the Matter of the Trusteeship of the Yokaiah Tribe of Indians, as well as the Whiterock complaint, and other cases involving the Yokayos, show that various parties, members as well as non-members, have repeatedly and without success "tried to derogate from the authority of the Tribe" which obviously resides in the accepted and appointed governing body of Captains, now known as the Provisional Council. The Courts of the State of California repeatedly have acknowledged since 1966 their error in attempting to assume jurisdiction over the internal affairs of this Tribe, and have attempted to reverse the damage occasioned by their past efforts to interfere with and resolve these disputes in keeping with California law. No outside arbitration could be forced on the Tribe or its Captains, and the Courts of Mendocino County never attempted to do so, as the attached record reveals.

The United States never has authorized the State of California to regulate the internal relations of this Tribe, to the extent of determining Yokayo membership, or to the extent of determining land management. As long as the status of the Tribe continues in limbo, parties with their own ulterior agendas have done all in their power to interfere with and usurp the authority of the Captains, even to the extent of demanding that the California Courts install them as Captains/ Trustees at the same time as they are claiming the Trusteeship should be dissolved!

June 17, 1981, a new controversy came from Yokayo to court: Pauline Elliott vs. Solomi Alacantra, et al. Minute Order No. 44575 Superior Court of the State of California in and for the County of Mendocino (Broaddus). This grisly controversy arose because certain members of the Yokayo Rancheria descendant class made evey possible effort to see that Mrs. Alcantra's husband would not be buried in the Tribal cemetery. See the case-file, appended. To summarize the matter briefly, the court decreed that:

1. Parties of each side are restrained from destroying or in any way disrupting grave sites of relatives or ancestors of parties of the other side.

2. All parties of each side are restrained from annoying or harassing parties of the other side.

Additional matter of interest, relevant to questions of Yokayo custom and governance, appears in the Declaration of Salome Bartlett Alcantra, May 28, 1981, in the matter of Elliott v. Alacantra: "The Defendant, Mrs. Maria Salome Bartlett Alcantra, is a full-blood Yokayo Indian (born at Yokayo Rancheria 9 August 1909). Joaquin Alcantra, her husband, according to the attached BIA memorandum from Acting Superintendent LaFramboise of May 15, 1981, was enrolled as a California Indian under the Act of September 21, 1968 (82 Stat. 860 and 861), named on the California Judgement Fund Roll of California Indians (Dec. 15, 1972), roll no. 844, born 28 May 1909. He was son of Mary Maxima (Webb) Sousa, 1/2 Pomo <daughter of the 4/4 Pomo Hetrulios, of Tomales Bay, Marin Co.>, and hence he was 1/4 Pomo. She is the daughter of Maud Donahue Bartlett, #20 on the 1908 roll of Yokayo Indians, which was the roll produced in connection with the case of Ruddick v. Albertson, 154 CR 640 (1908) <Her father was Jim Bartlett, 4/4 northern Pomo. Her maternal grandparents were Jack and Sally Donahue, 4/4 central Pomo>. She declared, in part (p. 2, ff.):"

> Captain Lewis had many contacts with white people and learned from them . . . how white people have a system of owning real estate which gives the landowners the right to keep other people off their property. My people did not live that way before the white settlers came to the Ukiah valley. Our tribe as a tribe owned all the land around here, which right was respected by the other tribes in this area. When the white people came, our tribe could no longer gather our foods the way we used to. It was a hard time for us. Many people died from starvation and diseases that came with the white people. Captain Lewis knew that we needed the protection of the white man's law and that we had to change our ways so that we could survive in dignity with our white neighbors. Therefore, we bought the land that is now call<ed> the Yokayo Rancheria. A partial summary of the history of my people by Charles

> Kasch, the attorney for our tribe in the Indian Claims Commission . . . is incorporated herein by this reference. The handwritten corrections and comments in the margins of that article were written by Dorene Mitchell.
>
> In 1966, I became very sick with diabetes, a disease my people did not have before we started eating the white man's food. I then had the visions that come to people when it is time for them to become what anthropologists call "Indian doctors."
>
> Many of my ancestors were spiritual leaders. My great grand-father, whose Indian name translates in English as "Tall Man" was chief over this entire area. Being a "chief" is not the same thing as being a "captain." a captain looks after the everyday practical affairs of his or her people. A chief is a spiritual leader who guides the people and teaches them how to live right. When there is trouble among the people or a dispute that they could not settle among themselves, then they will go to a chief, who will show them how to live in peace.
>
> I have travelled to many places in California and have participated in the festivals and gatherings of other tribes as well as those of my own. All over, I have sung the songs and said the prayers that I learned from my people. I have helped and prayed for younger people who are now learning how to live with the visions that are coming to them. I have tried to pass the knowledge that I have received to the younger people so that it will not be lost.
>
> My husband, Joaquin Alcantra, died among his family on the Yokayo Rancheria. We all assumed that he would be buried in my family's plot in the cemetery that was established on the Yokayo Rancheria after the land was bought in 1881. A Chart of that cemetery that I made with the help of my son Walter Alcantra is attached hereto . . . and incorporated herein.
>
> Pauline Elliott's disruption of my husband's funeral was very sad for me. We could not have a priest at my husband's grave. Instead of being able to mourn for my husband and give him the respect that my people give to our dead, we had to worry about whether this Court had prohibited his burial next to our relatives. I was afraid for Pauline Elliott and her family when I saw what she was doing at the cemetery. In our religion, if a person does something bad like that, some other evil will happen to that person or her family. I prayed for Pauline and for her family. I prayed that the evil would not come back to her and that she and her family would be protected from all harm. I am still praying that my people can learn once again how to live in peace as we did in the old days.
>
> I declare under penalty of perjury that the foregoing is true and correct.
>
> Executed on May 28, 1981 at the Yokayo Rancheria, County of Mendocino, California. <My brackets>.

See also the Declaration of Dorene Mitchell, May 28, 1981, in the matter of Elliott v. Alacantra: See attachment. Mrs. Mitchell is a Captain, a member of the Provisional Council. Note the the May 27, 1981 "Response to the Petition for Injunction Prohibiting Harrassment," submitted by Defendants' attorney, Barbara Fix, citing acknowledged tribal custom. See attachment.

Pauline Elliott and Mary Whiterock vs. Dorene Mitchell, Superior Court of

California, County of Mendocino, April 18, 1983, No. 44691. (Note that the Plaintiffs' attorneys withdrew for non-payment of fees for over one year, in failure even to respond to calls from the attorney, for a bill in the amount of $600.00.)

In the process of trying to resolve their internicine squabbels, the parties agreed to seek mediation with the U. S. Department of Justice Community Relations Service (Mr. Edward Howden), and the latter has to be commended here for making a valiant effort to mediate the Tribe's long-standing disputes, which had already resolved into violence, acrimony, and distress.

With regard to the private trust property, the Court (T. O'Brian) found that the property was not "subject to any administrative rights of Dept. of Interior" <in sustaining the Demurrer to Complaint (8-14-81) of Pauline Elliott and Mary Whiterock>. The land was on the County's tax roll. The Court' did not agree, however, with the contention that the Captain's powers had been terminated by an order of October 10, 1966.

In any event, the records of Yokayo meeting of January 29, 1967 clearly indicate the Tribe's intent to continue as Captains/ Trustees (see transcript and discussion below, which considers substantial discussions of sovereignty have been aired and resolved in Rancheria meetings.)

The Court did not address the issue of the unratified Yokayo/Yukiah treaty with the Yokayos, concluded in 1851 with R. McKee, the Federal Agent, at the Russian River; nor did the Court address the Federal Government's responsibility with regard to the land put into federal trust in 1916, nor is there any discussion of the effect of the Tribe's never having voted against the application of IRA recognition to them; nor is there any reference to the Tribes' having been recognized in an informal manner in the building of a federal Indian school on the federal trust at Yokayo Rancheria to serve the Yokayo children (at the request of Captain Lewis); nor does the Court advert to the fact that the Yokayo Rancheria trust land was never terminated from trust status on behalf of the Captains and the Tribe, even in the 1950s: the importance of these questions was never actually addressed. It is interesting that, while abortively attempting to step around the implications of the matter, the Plaintiffs' attorneys admitted in their "Points and Authorities in Opposition to Demurrer," Aug. 19, 1981, that "the United States condemned some land owned by some Yokayo Indians for a school in 1916 . . ." (p. 1, lines 25, 26).

The Defendants' attorney, in their "Points and Authorities," page 5, lines 4-5, stated that by putting land in trust for the Tribe, the Yokayo Tribe had been acknowledged as "a federally recognized tribe over which the United States has assumed a trustee relationship." That the whole Yokayo Rancheria was not put into trust in 1916 does not diminish the implication of putting land into trust for a Tribe. The Tribe simply had not made a request prior to the 1981 litigation for formal recognition, or for an IRA election permitted at their request under 25 CFR 81 and 25 USC 461, which omission they have intended to correct with the present Petition. The Yokayos endorse and incorporate by reference The Yokaia: A History of the Ukiah Valley Indians 1579-1978 by Thomas C. Owens, Ukiah: Mendocino County Historical Society, Inc., 1980, 38 + x pp., 3 charts, 3 maps, 14 plates, 3 appendices.

In the "Points and Authorities in Opposition to Demurrer" in the present case, Plaintiffs' attorneys stated the position that "The only substantial issue before this Court is whether the trust declared by the Supreme Court in Ruddick v. Albertson, 154 Cal. 640, was terminated by this Court's order of October 10, 1966." They neglected, oddly, to note that what the Plaintiffs sought to achieve by this action was the exhumation of the body of Salome Alcantra's husband, Joaquin Alcantra, from the Yokayo Cemetery! The other goals included:

(1) determine the rights, duties and obligations of all the parties with respect

to all the property owned by the Yokayo Tribe;
(3) determine the membership of the Yokayo Tribe and the terms of the Trust established for the Tribe;
(3) order an accounting for their management of tribal assets by the Trustees;
(4) appoint three additional trustees for the Tribe;
(5) grant an injunction restraining defendants from disturbing any graves in the cemetery and from allowing trees on the Tribe's property to be cut for use on sale off that property;
(5) authorize Mr. Alcantra's body's exhumation.

The Plaintiffs' attorneys hoped by this Memorandum to achieve the denial of Defendants' demurrer. They failed. They failed, particularly, to prove that the FEDERAL trust status of the 1916 trust land was affected by any action by the Courts of California. The sequelae included the Court's recommendation that the Tribe establish a contemporary roll, recalling strangely the circumstances which led to the establishment of the 1908 Yokayo roll (Ruddick v. Albertson).

During the decades in which the title to the Yokayos' land has been in controversy, and in which the role of the Captains as Court-appointed and tribally-ratified Trustees has been disputed, the Captains have been in continual confusion over the extent of their authority. They have been held responsible as "Trustees" according to State of California statutes, as well as according to Yokayo traditional law, while dissidents from time to time have claimed the Captains/ "Trustees" have none of the authority which comes with sovereignty. However, the records of Yokayo meeting of January 29, 1967 clearly indicate the Tribe's intent to continue as Captains/ Trustees. According to the certified minutes of that meeting, it was held at the Ranch Clubhouse at 1:00 p.m. January 29, 1967, called to order by the meeting Chair., Michael Warden (combined Chair. of the Bylaws and Roll Committees). He was elected Chair. of those committees by a vote of 18-1 at that meeting, but not Tribal Chairman. Page 3, paragraph 8, ff. states:

> There followed a short discussion on whether the present trustees would remain as temporary managers, providing the trustees are willing to accept.

Dorothy Shepard suggested that the trustees be asked if they are willing to accept. Margaret Pulido asked to consult the former trustees. Dennison Knight stated that at a prior meeting he had volunteerd for a Steering committee. Mr. Knight continued by asking what the people thought about the past trustees carrying on temporarily as trustees. Mr. Warden asked if the people wanted the former trustees to remain as temporary trustees to carry on with business matters. The former trustees gave their answers when asked if they were willing to remain in office. Dorene Mitchell said, "Yes," to a temporary office. Bill Knight said, "No, not under these conditions." He did not want to carry on under present conditions. Ada Mitchell said, "Yes," that she'd go along temporarily. Florence Paoli said, "Yes," that she was willing.

Ethel Burke questioned whether there were written papers to show that the trustees would do what the people wanted. Mr. Warden replied that the law governs the trustees to a certain extent. Tom Reeves asked if the people backed the trustees one hundred per cent. If they did something wrong, this fell back on the people because the people put them there. Michel Warden pointed out that during the past few years the trustees were not chosen by the people but were appointed by the court. Virginia Buck asked the group now that they had appointed the past trustees to continue acting as trustees temporarily whether they were going to respect the three trustees to do their business or were they going to let them do as the people want. Are they going to be overseers of the property here? A brief discussion followed on working the vineyard without telling the trustees. Mary Whiterock read from her minutes of a previous meeting a statement made "to go along with the present trustees until the new roll is completed."

A further discussion followed on whether trustees had the right to have people arrested or not for disturbing the peace and whther a false arrest caused by a trustee might bring about a suit against the tribe. The matter was discussed back and forth with different viewpoints, the main point being a trustee could not act as an individual in his own behalf if his peace was threatened by someone.

The following people were present at the meeting:

Attorney John Nelson
Clara Williams
Michael Warden
Harry Williams
Evelyn Elliott
Mary Whiterock
Ines Wantt
Agnes Foster
Marie Elliott
Dorene Mitchell
Francis Mitchell
Dorothy Shepard
Carmen Christy
Margaret Pulido
Ada Mitchell
Virginia Buck
Stephanie Stanley
Ethel Burke

Frances Varriel Knight
Salome Alcantra
Walter Alcantra
Lucille Frank
Jack Frank
Milton Williams
William Williams
Rosita Peters
Elmer Marando
Don Ray
Theresa Feliz
Melvin Antone
Juanita Antone
Pauline Elliott
Blanche Knight
Tom Reeves
Arthur Knight
Richard Knight

Arthur Elliott Dennison Knight

That decision was never set aside or contradicted by any vote of the community.

What were the traditional powers of the Trustees? The question arose from time to time in ranch meetings. January 17, 1967, at the Yokayo Rancheria Clubhouse, at a special Enrollment/ Bylaws meeting, Margaret Pulido proffered a set of bylaws for the "Homeowners' Association." Dorene Mitchell retained a copy of the proposed bylaws, which I have attached. Milton Williams, another Yokayo member, proposed another, separate set of by-laws. They indicate a concern for mores and manners, as much as business and social controls. See attached proposed By-Laws, titled "What Law Is."

In the March 4, 1967 minutes, Virginia Buck recalled having had an old set of rules or by-laws (p. 3). Mary Whiterock made the remark, "If there are any old rules or something, we could go by these, and in that way, we wouldn't go against the trust we are under. If there are any, I think we should have them, and go by them." Carmen Christy said she agreed, she also wanted to see them, referring to the old bylaws. The most likely early basis for the "Bylaws" appeared in the Ukiah Redwood Journal for August 23, 1935, quoted above, in which the Trustees expressed the hope of being allowed the following sovereign powers:

> 1. power to designate on which portion of rancheria Indians are to reside.
> 2. power to move from premises any Indian who refuses to reside on designated portion of land.
> 3. power to expel Indians who persistently refuse to live quietly and peaceably on the property.
> 4. power to exchange for other property or sell any or all premises as may be deemed best for tribe.
> 5. further power as necessary for most beneficial exercise of trust.
> 6. full management and control of property and farming operations thereon harvesting and marketing of crops and control of all income therefrom, with power to make expenditures necessary for conservation, operation and protection of the trust estate. It is also asked that the court maintain continuing jurisdiction in the present proceeding so that the trustees may file petitions as deemed necessary.

TRADITIONAL YOKAYO LAND USE

The present traditional land use law of the Yokayo Tribe of Indians, though often opposed by individual members and outsiders with their own individual agendas, is as follows:

1. All of the descendants of the persons whose names appeared on the 1904-1908 Yokayo Roll share equally in the property, with undivided equal shares, for such are the terms of the Tribe's customary law, since the land was purchased by the Tribe's common fund in 1881.

2. All members of the said descendant class who have no other permanent home are entitled to build a home on the land, or to move into such vacant house as may be available on the Rancheria, subject to the approval of the Trustees.

3. The Yokayo Trustees' custom is to grant a right of first refusal (that is, the first right to move into any such newly vacant house) to immediate members of the family of a person who moves or dies, subject to the will of the old owner prior to his/her vacating or dying, as to which of his or her immediate blood-line shall take in the event of his or her vacating, or his or her dying.

4. However, any such right of first refusal must be exercised within a reasonable time, and such right of first refusal only becomes effective if, at the time the house is vacated or the tenant dies, the party who would otherwise have a right to first refusal does not already have a home (that is, does not already live in a home) on the Rancheria.

5. In every case, the right of first refusal shall be protected and preserved for one who is already living in the home from which the previous inhabitant has moved, or in which the previous inhabitant used as his residence at his or her death.

6. In no circumstance does any member of the descendant class who has resided on the Rancheria have the absolute right to possess or give or will his/her home to another, except a member of his/her immediate family and blood-line, for the Provisional Council retains the authority to choose, in the event of any dispute, which candidate for a vacant home shall take possession for use in his or her lifetime, during good behavior.

7. No Rancheria property (whether timber land, grazing land, vineyard, or residence) may be used for private profit without the express permission of the Trustees. This rule applies to the "sale" of the right to live in a family home during one's lifetime. This shall be true of a residential property, even if the property in question has been used by said member or by ancestors or by members of one's own immediate family. This shall be true, even if one

has improved or maintained such property (if it is a residence) without moving into it and using it, or where one has lived in the house but has abandoned that use, without permission of the Trustees for the duration of such permission. Such permission shall in no case be presumed to be of a permanent nature, or an absolute right.

8. Every improvement on the land made without the permission of the Trustees, and every destruction of property or its value on the Rancheria, is defined by the Trustees as waste, and may be treated as actionable, subject to the discretion of the Trustees.

9.In no case does any member of the descendant class (including, particularly, any member who already has use of a home on or off the Rancheria for use during one's life) have the right to exact any rent or put any private limitation to possession and use of any other member/s of the descendant class who is acting on his/her right to live on the Rancheria. No member of the descendant class, acting as an individual, may build or claim any other unit as rental property, or exact rent from any other member of the descendant class, for all property on the Yokayo Rancheria is owned in common, and all rents, profits and the like belong to the descendant class as a whole, and any individual profits from the use of the Yokayo Rancheria property should be returned to the Trustees on the Provisional Council for the benefit and use of all other members. Any exceptions to the above rule must have prior approval of the Provisional Council. The Trustees reserve the power to lease or rent solely on a month-to-month basis such properties to temporary tenants so as to make such properties profitable only as long as no member of the descendant class has expressed the need and desire to live any such available residential unit.

10. Since 1881, the Captains/ Trustees (known now as the Provisional Council), of the Yokayo Rancheria, have asserted since 1881 on the Yokayo Rancheria, and still maintain, the following powers of tribal sovereignty, undiminished by acts of the United States, under powers acknowledged by the courts of the State of California, on behalf of the enrollees and the descendants of those whose names appear on the 1904-1908 Yokayo Tribal Roll:

A. Power to designate on which portion of the Yokayo Rancheria Indians are to reside.
B. Power to remove from premises any Indian who refuses to reside on designated portion of land.
C. Power to expel Indians who persistently refuse to live quietly and peaceably on the property.
D. Power to exchange for other property or sell any or all premises as may be deemed best for tribe.
E. Further power as necessary for most beneficial exercise of trust.
F. Full management and control of property and farming operations thereon harvesting and marketing of crops and control of all income therefrom, with power to make expenditures necessary for conservation, operation and protection of the trust estate, as defined by tribal law.

The 1935 court acknowledged the Tribe retained power to manage the property, subject to the court's continuing jurisdiction, acting as the recognized business authorities for this Tribe. The reader will note that all these concerns have been addressed in one way or another and satisfied in the proposed Constitution. Sunday, April 9, 1967, at the Roll/Bylaws Committee meeting, "A short discussion was held on whether to keep trustees or have some other type of governing body. Francis Mitchell stated that our immediate problem is to get one man take over the vineyard. Mr. Mitchell said, "No, the trustees would still be in charge" (p. 1).

There was, briefly, in 1971-1972, an effort to incorporate the Rancheria; the effort was aborted (see attachments, particularly letter from Dorene Mitchell to the Lineal Descendants of August 9, 1971, and the Articles of Incorporation proposal). At this time, a Yokaia Rancheria Indians set of By-Laws was proposed (see attached facsimile), and many of these proposals are incorporated into the proposed Constitution. A dissident group did create the "Yokayo Tribe of Indians Home-Owners' Association," in about 1972, and put together bylaws that would have a severely prejudicial effect on the rights of tribal members who have not had the good fortune to build a home, or have one built for them, on the ranch property, though otherwise eligible. Attempts to usurp community lands and push off those with rights of descent are quite notorious, and consequent lawsuits continue to enliven the Mendocino County Superior courts, to the courts' abject misery.

Clarification of the Tribe's status could alleviate much of this confusion. The alternative undoubtedly result in continuing confusion, litigation (much of which could best be characterized as part of a campaign of harrassment against Captains and other tribal members by a small faction), and intratribal stress. The United States government has it within its power under 25 C. F. R. 81 and 476, et seq. to avail the Provisional Council the opportunity of ratifying the sense of the California courts that the Yokayos are a federal Indian Tribe, in order to secure any future tribal government that it will indeed be able to secure, protect and improve tribal property for the benefit of all tribal members, and to promote their general health and welfare.

This whole squalid chapter in Yokayo history could have been averted had the Yokayos been afforded the opportunity of adopting an I.R.A. government in order to achieve these goals as a community through local government. They must be availed this opportunity now.

YOKAYO TRIBE OF INDIANS ANNUAL MEETING

April 15, 1989
9 a.m.
Discovery Inn, Landmark Room . Ukiah, California

AGENDA

I. Opening Remarks

- A. Chairperson-Designation
- B. Rules of Meeting
- C. Parliamentarian selection
- D. Agenda-Changes, Approval
- E. Enrollments Accepted

II. 10 A.M.- Resource Guest Speakers

- A. Roy Tindle-Community Dev. Commission
- B. Frank Zotter-County Council-Mendocino County
- C. Indian Health Service- Rick Seanor
- D. Nelson Redding-County Board of Supervisors (invited)
- E. CILS-Dave Rapport'

III. 12:00 Noon Break for Lunch

IV. 1p.m. Reconvene

- A. Options for a Water System
    1. Yokayo Tribe's own water system maintained by a water committee
    2. Rogina
    3. Individual Wells

V. Other Business

3611

(19)

October 22, 1987

The primary thrust of the project will be to hire a full-time person to meet with state legislators to initiate and lobby for changes in public legislation effecting the social and economic status of all California Indians.

If successful in addressing the problems as stated below as well as other institutional changes, the project will effect a total of 27,823 Indians in the State of California. (LAND BASED)

PUBLIC LAW 83-280

This legislation passed in 1953 gave both civil and criminal jurisdiction on federal trust land, (Indian reservations) to local authorities. However, amendments to, court decisions and passage of the Indian Child Welfare Act of 1978, considerably changed the original intent of the law and resulted in total confusion of jurisdiction as interpreted by the State Attorney General vs Federal Indian Law. This resulted in a hearing by the Senate Judiciary Committee regarding law enforcement on Indian lands in 1985, but no follow up was initiated and thus no resolvement.

FEDERALLY RECOGNIZED INDIANS VS STATE POLICIES

Federally recognized Indians of California have tried to communicate their concerns to state officials in reference to the recognition of government to government relationship, to no avail. This has resulted in the loss of federal and state passthrough programs for California's indigenous people living on or near federal reservations.

ECONOMIC DEVELOPMENT ON INDIAN RESERVATIONS

Studies indicate that there are approximately 398,000 acres of Indian lands which categorically are; tribally held lands, allotted lands, public domain allotments, and purchased properties, all set aside for Indian use. (California Task Force Report,8

Of the 99 reservations/rancherias in the state, only about 16 are deriving income from their lands. There is a need for a comprehensive land use study and follow-up to maximize the potential profit making capabilities of said lands.

CREATION OF STATE COMMISSION ON INDIAN AFFAIRS

Recommendations to introduce legislation to establish this commission has been proposed numerous times, to no avail. The commission would identify concerns of Indian people, specifically, economic development resources by redirecting current funding priorities and practices, thus improving the economy, providing much needed jobs while benefiting California Indians and the general public as a whole.

With the Governor's elimination of the administration's Indian coordinator, and the restricted efforts of the State Heritage Commission, the Indian populations' voice is virtually non-existant, statewide.

We feel that this proposal will assist in the first step in revitalization of solutions to pending issues and concerns and will lend excellent credibility to the efforts of the Campaign for Human Development program to assist California's first Americans.

EXERPT FROM PROPOSAL SUBMITTED TO C.H.D.-NOT FUNDED

VERNON T. JOHNSON - EXECUTIVE DIRECTOR - C.C.T.C.
1304 EAST ST - SUITE 204
REDDING CALIFORNIA 96001

Cover Letter of 529 pgs
plus enrollments

(19)

John Hayward

COPY

WINTUN INDIAN NATION
1956 8th Street Apt. 7
Redding, California 96001

To Whom It May Concern:

From the Tribal Council of the Wintun Indian Nation.

We are pleased to present the following Elders:

1. Tim Wilson, 2. Ed Grant, 3. Robert B.Burns, 4. Ethel Burns, 5. Betty L. Sisk, 6. Ida V. Hayward, 7. Lenora Munoz, 8. Marilyn Berkay Radcliff, 9. Wash Fann, 10. David F. Sisk, 11. Robert Sisk, 12. Melissa Winn, 13. Wayne R. Lievsay, 14. Beryl Lievsay, 15. Carol L. Meza, 16. Clifford Sisk, 17. Genevive McNeal, 18. Geraldine Rouse, 19. Melba Garcia as the Interim Tribal Council for our enrolled members.

We give full support and best wishes to the Winnimem and Nor-el-muk in their efforts to receive recognition with the type of processes they have selected, however we feel we cannot join them at this time and wish to present our own petition.

Our Petition is complete and available by request to the Redding area Bureau of Indian Affairs for all enrolled members, C.I.L.S., N.A.R.F., Bob Brysman, Northern Legal Services, Alogan Slagle, Ray Pattan, Caleen Sisk, Flora Curl, Senator Cranston, Congressman Herger, Senator Inouye, Chairman of the Senate Select Committee for Indian Affairs and their respective offices.

We have an open enrollment until further notice to allow a true representation of our people. We will not rely upon an Indian head count as others may have for any purpose.

This Petition will be processed by the eligibility of our Interim Tribal Council to organize and elect by a Secretarial election a Constitution that will allow Federal Recognition to occur upon the Assistant Secretary's decision upon the validity of the Constitution.

The determination of our Wintun Nation will prevail with truth, justice, honesty and respect for each other in our common goal.

TESTIMONY

ON

"INDIAN FEDERAL ACKOWLEGMENT ADMINISTRATIVE PROCEDURES ACT OF 1989"

SUBMITTED TO:

THE HONORABLE DANIEL K. INOUYE, CHAIRMAN
UNITED STATES SENATE
SELECT COMMITTEE ON INDIAN AFFAIRS

PREPARED BY:

CALIFRONIA INDIAN COUNCIL ON AGING
DORIS RENICK, CHAIRPERSON

APRIL 28, 1989

TESTIMONY OF THE CALIFORNIA INDIAN COUNCIL ON AGING
BEFORE THE
U.S. SENATE SELECT COMMITTEE ON INDIAN AFFAIRS
State Capitol, Sacramento, California
April 28, 1989

GREETING:

Mr. Chairman and Members

ORGANIZATION:

I am the Chairperson of the California Indian Council of Aging.

SPECIAL CIRCUMSTANCES:

For the record Mr. Inouye, my testimony today may jeopardize the relationship with the Bureau of Indian Affairs and my tribe.

THE PROBLEM:

The Indian Tribes of California are being severely under/represented and grossly under funded. The federal agencies that are supposed to help us are managing to keep us in a state of economic dependency. On the other hand. the state refuses to recognize us as sovereign Indian nations with the power of self-governance and self-determination.

BACKGROUND

The California Indian Tribes are concerned about the insufficient funding provided for their Tribal operations and responsibilities.

Based on the information available to both the state and Federal government Indian People suffer the highest rates of health problems, unemployment, under educated, suicides and problems with the law. Yet a substantial member of our young men have fought in the defense of this country, and it is the natural resources of our country that has made this county resource rich. Therefore, while this is one of the richest nations in the world the original Native Americans remain the poorest.

CASE INFORMATION

(1) In California, The Indian Tribes face a unique problem since it is acknowledged as a P.L. - 280 state. This recognition - gives the state, our historical enemy, jurisdiction over our Indian Country. While Tribes in other states have their own Tribal Courts and Tribal Police we must resort to state or federal courts and their law enforcement agents.

Unfortunately, the state law enforcement is either too slow or insensitive to Tribal Councils. On some reservations the state law enforcement officials were found guilty of police brutality, and in other cases had a response time of 3 to 4 hours.

(2) The Indian Health Service has also denied our Tribes the opportunity to develop Tribal Health Projects. Whether it be a drug and alcohol abuse prevention program, improving Indian health program or a program on aging we are habitually denied. The typical response is that a regional health program is doing that work, which is not true.

(3) Under the P.L. 93-638 Act as amended by P.L. 100-472 Indian Tribes are have the ability to assert some Self-Determination over their destiny, since its passage in October of 1988 we know this is not true.

In accordance with the Act, the B.I.A. is supposed to contract with Indian Tribes. To date there has not been any technical assistance provided to educated the Tribes on this essential process, and for some Tribes that attempted to contract services with the B.I.A. they were denied due to lack of funds. Perhaps it is because they are accustomed to dealing with the California Indian Tribes and grants.

Unfortunately, the usual grants are approximately $10,000 and for a 6 month period. Therefore, there is only so many people you can hire and projects or tasks you can implement, and by the fifth (5th) month you must go through the process again.

ACTIONS TAKEN TO TRY TO RESOLVE THIS PROBLEM AND THE RESULTS OBTAINED: (Dates, witnesses, contracts, ect.)

The California Indian tribes have in good faith attempted to participate at every essential opportunity to improve their existence.

(1) In the P.L. 93-638 process many Tribes attended and participated in the meetings regarding I.H.S. and B.I.A.

regulatory amendment process. In some instances they did so at their own expense, yet to date we have not received any feed back on out input. We feel that as a result of the bureaucratic entanglements Indians should represent themselves at the Congressional Hearings.

(2) In Regional B.I.A. Budget meetings Tribes have attempted to both inform and educate the Bureau of their unmet needs. Yet, year after year we hear the same thing - they blame Congress. They also tell us that to assist us, they have to rob Peter to pay Paul. Therefore, one of our programs has to pay the cost of another they tell us, unless they go through the supplemental process before Congress for more funds.

We have submitted entirely re-drafted I.H.S. and B.I.A. regulations; resolutions from several Tribes requesting monies to enforce our ordinances; and participated at countless meetings and hearings, yet we get no feedback or even know if they send it it you.

CLOSING

Mr. Chairman, there are others waiting to appear before you so I will close for now. I thank you for your attention and am enclosing recommendations and supporting documents for your review.

Your are in Our Prayers.......

Specific Economic Problems Within the Community

Northwestern California is within the coastal mountains of the state and is characterized as a rural agriculture region. Large forests of Douglas fir have supported the regional economy and most workers have been attached to the lumber industry, either as loggers or as mill workers. The region also supports a thriving commercial and sports fishery, as northern California is the southern-most extension of the salmon fish habitat. At the present time, the regional rate of unemployment is 11.8 percent, and the median income is $17.695. Most of the existent jobs are low skilled, low paying, seasonal jobs, and limited in terms of availability. It is also estimated that 17.800 people in the counties are on some form of public welfare with 22.9 percent below the poverty level.

The Indian population is estimated at 4.337 for Mendocino and Humboldt Counties. This population is distributed over nine reservations, rancherias and communities. The economic circumstances of the Indians is much more acute in comparison to other non-Indian populations. There is an estimated 2.507 men and women in the Indian work force. Of this number, only about 1.227 (51%) have acquired full-time employment, and over 677 earn a family per capita income of over $7.000 per year. Conversely, the Indian unemployment rate is 51% percent, with about 1.870 members of the work force on some form of public welfare. The educational level of the Indian community is low, making it difficult for most Indians to compete in the work force. The following Table 1.1 provides the compilation of these characteristics.

Table 1.1
Population & Economic Data: Indians of Northwest California

Tribe/Community	Pop. Summ.	Work Force	Unem-ployed	Earn $7000(-)
Coyote Valley	238	42	28%	72%
Cahto Indian Tribe (Laytonville)	475	237	62%	74%
Redwood Valley Rancheria	120	49	42%	78%
Hopland Rancheria	276	115	59%	35%
Sherwood Valley Rancheria	155	76	49%	76%
Covelo Indian Community	879	415	90%	93%
Hoopa Valley Indian Reservation	1.913	1,491	62%	82%
Trinidad Rancheria	123	32	0	63%
Pinoleville Indian Community	**158**	**50**	**68%**	**32%**
COLUMN TOTALS	**4,337**	**2,507**	**51%(av)**	**73%(av)**

Source: BIA Indian Service Population and Labor Force Estimates, January, 1987

RECEIVED APR 1 0 1989

IN REPLY REFER TO:

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
Central California Agency
1800 Tribute Road, Suite 111
Sacramento, California 95815-4314

APR 7 1989

Ms. Doris Renick
Tribal Chairperson
Coyote Valley Tribal Council
P.O. Box 39
Redwood Valley, CA 95470

Dear Ms. Renick:

We have completed the review of the January 20, 1989 supplemental request for funding in the amount of $9,673.50 for the purpose of developing recommendations in the form of regulatory language in regard to P.L. 93-638 as amended by P.L. 100-472. The application requested that the Council's Training and Technical Assistance Grant J51G1420T803 be modified to include the requested funding.

Since both the Bureau and Indian Health Service have been requesting tribal participation in the development of a set of joint regulations utilizing various methods for input, the fact that you have taken the initiative to develop draft IHS regulations for their consideration is noteworthy.

In reviewing the record, Coyote Valley Tribal Council hosted a regional Indian community workshop on December 5-6, 1988 which was sponsored by the Consolidated Tribal Health Project, Inc., in order to gather regional input into the P.L. 93-638 process. We noted further that the Chairpersons decided at that meeting to form a working committee that would meet twice a week to work on the proposed amendments.

As you are aware, this Agency has provided several opportunities for tribes to meet and provide input into the development of regulations. In addition, we plan to provide an opportunity for a working group consisting of any tribal person who wishes to participate to review the draft regulations when they are published and develop language which is representative of their concerns. This meeting is in addition to the statewide meeting to which both Agencies are committed.

Supplemental grant requests are for the completion of an existing grant and not to begin an entire new scope of work; therefore, the request is not recommend for approval and we are returning your application for your files.

Sincerely,

For Giles L. Ottley
Superintendent

Enclosure

IN REPLY REFER TO:

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
Central California Agency
1800 Tribute Road, Suite 111
Sacramento, California 95815-4314

APR 7 1989

Ms. Doris Renick
Tribal Chairperson
Coyote Valley Tribal Council
P.O. Box 39
Redwood Valley, CA 95470

Dear Ms. Renick:

The Council's FY 1989 grant application in the amount of $57,019 was received on March 10, 1989. We are unable to process the Grant in the amount requested because the amount of funding that is available to Coyote Valley for grant purposes is $9,932. Kindly resubmit the application in that amount for further consideration by April 21, 1989.

If you have any questions or need further consideration please contact Barbara Renick, Indian Self-Determination Specialist at 916/978-4348.

Sincerely,

for Superintendent

Enclosure

RECOMMENDATIONS

1. GIVE BIA LIMITATION ON RESPONSE TO GRANT APPLICATIONS.

2. STREAM LINE ADMINISTRATIVE APPROVAL PROCESS.

3. THE SUPERINTENDENT SHOULD HAVE DELEGATION TO THE AUTHORIZE TO CONTRACT AMOUNT OF 20,000.

4. TIME FRAMES ON APPEALS PROCESS

5. BETTER RESPONSE TIME ON LEASES AND TRUST RESOURCE ISSUES

6. RESPOND TO THE INDIVIDUAL TRIBES ON GRANT APPLICATIONS WITH OUT HAVING TO WAIT FOR THE OTHER TRIBES.

7. HONOR THEIR OWN DEADLINES FOR RECEIVING GRANT APPROVALS

8. EXACT FUNDING CYCLE INFORMATION

9. WRITTEN EXPLANATIONS FOR DENIALS

10. GRANT WILL BE CONSIDERED AS THE FUNCTIONAL EQUIVALENT OF A CONTRACT

11. NOTIFICATION 30 DAYS BEFORE GRANT APPLICATION AND BEFORE TERMINATION OF GRANT

12. PROPER NOTICE AND REQUEST FOR TRIBES, PROVIDING ADEQUATE RESPONSE TIME FOR TRIBES

13. TREAT ALL TRIBES CONSISTENT WITH SAME FAIRNESS & EQUITY

14. PROVIDE ADEQUATE LAW ENFORCEMENT TO ENFORCE TRIBAL ORDINANCE AND CODES

15. INVOLVE TRIBES IN DETERMINING THEIR OWN POPULATION INSTEAD OF DEPT. OF LABOR STATICS TO ESTABLISH BASE FUNDS FOR TRIBES

16. PROVIDE ADMINISTRATIVE FUNDS FOR HIP SURVEY AND OTHER DATA REQUESTED BY BUREAU

17. PROVIDE TRAINING MONEYS FOR TRIBAL COUNCIL LEADERS AND TRIBAL RESPONSIBILITY TRAINING

18. PROVIDE ADEQUATE CONSULTATION AND NEGOTIATION WITH TRIBES FOR GRANTS AND CONTRACTS

19. PROVIDE PROCESS FOR TRIBES TO EVALUATE SUPERINTENDENT OF THEIR REGIONAL BIA AGENCY

20. GETTING ADVANCE MONEYS & REIMBURSEMENTS TO THE TRIBES IN A TIMELY FASHION

21. PROVIDE MONEYS FOR TRIBAL COURTS & TRIBAL POLICE

22. DEMONSTRATE A REAL COMMITMENT IN WORKING WITH THE TRIBES FOR SELF-DETERMINATION

23. PROVIDE LIST OF SURPLUS GOVERNMENT PERSONAL PROPERTY TO THE TRIBES AT A REGIONAL LEVEL

24. PROVIDE LIST OF FINANCIAL RESOURCES OR FOUNDATIONS FOR THE IMPROVEMENT OF TRIBAL SERVICES AND HEALTH CARE SERVICES

25. PROVIDE REQUESTED SERVICE TO TRIBES IF NOT ABLE TO DO SO PROVIDE MONEY TO OBTAIN INDEPENDENT SERVICES

26. REDUCE EXCESSIVE REPORTING REQUIREMENTS, SUCH AS QUARTERLY REPORTS FOR 1 YEAR GRANTS TO SEMI-ANNUAL REPORTS

27. PROVIDE TECHNICAL ASSISTANCE AND SOFTWARE

28. PROVIDE TRAINING FOR DELIVERY OF SERVICES

29. IMPROVE RESPONSE TIME FOR STUDENT FINANCIAL AID REQUEST AND SCHOLARSHIPS PROCESSING

30. PROVIDE MONEYS TO THE TRIBES TO PROTECT BURIAL SITES AND SACRED SITES

TESTIMONY OF [redacted]
Mutsun Band of Costanoan Indians
Indian Canyon Ranch
Hollister, Ca. 95024

April 28, 1989

I am Ann Marie Sayers, Mutsun Band of Costanoan Indians of Indian Canyon Ranch near Hollister, California. I want to thank you Senator Inouye for the opportunity to testify. I understand Indians of California have not had this opportunity in the past.

At this time, it is my appointed duty to represent our Mutsun Band to this Authority for Federal Tribal recognition. We support Senate Bill #611 fully and completely in its current form, especially as it deals with the California issues.

California Indians have been totally ignored by this Government and the reason for this is the missionization of California. The Mission existence was a nightmare.

"The Spaniards began the initial act of obliteration of the Native Culture with their Missions and Pyramidal Society (Indians as the peon base and the conquerors as the aristocracy) as far back as 1769. Spanish Missions were filled with Indians rounded up without reference to Tribe, tongue or personal willingness. What the Spaniards did by this transposition was decimate the populations of whole Tribes, they learned too late that Indians who were uprooted, enslaved and stripped of their cultural identity, chose death to life." The Native American Rights Fund.

When the Indians were baptized, there names were changed to Spanish sir-names, due to the fact that the Spaniards could not pronounce the Indian names.

There were many Indians who could not tolerate this treatment and ran back to their Village or Band. It was all but two or three days, the Spaniards would round them up and return them to the Mission as their labor was needed. In the process they gathered up additional Indian Laborers.

In the Gold Rush era, the settlers called the Indians "Diggers" and being an Indian - Killer was considered by many to be an honorable profession.

What we have here in reality is double genocide. California policy for Indians was extermination.

The California Indians ceded 75 Million Acres and kept 8.5 for themselves, only to find out that the 18 treaties were never ratified.

The descendants of the California Indians are survivors as we are still here.

The History of the Mutsun Indians of Indian Canyon has been officially documented since 1897 when our Great-Grandfather Sebastian Garcia (BIA Roll #6502) submitted his petition for an Indian Allotment under Section 4 of the General Allotment Act of February 8, 1887 (24 Stat.389:25 USCA 334) which stated that an Indian not residing on a reservation may apply for an Allotment on public domain.

Sebastian Garcia, his wife Maria Robles Garcia and their 12 children, along with several other Indian families had been residing in Indian Canyon when he made his Land application. His ancestors had resided in Indian Canyon (formerly Indian Gulch: Topo map circa 1890) since the Mission Days. They came to the Canyon having been released from the servitude of the San Juan Bautista Mission system. Many Indians had come to Indian Canyon as early as the late 1700's having escaped from the Mission, finding it too intolerable to endure.

Indian Canyon was a safe haven for many because it was protected on three sides by steep mountains and the entrance way was a large swampy area that only the Indians new the passage through.

Sebastian Garcia officially obtained his Trust Patent Deed (#203411) to his land in 1904 from President Howard Taft, thus establishing a Government to family relationship. The Garcia family and others (Joe Wellena and family) resided in the Canyon in a Tribal existence, sharing the land and co-existing with nature and its bounty. They had a small logging operation, as well as hiring out as cowboy/Indians to local ranchers.

In 1945, my Mother Elena Sanchez Sayers, Grand-Daughter of Sebastian Garcia, established her Government to family relationship by exercising her rights to Indian Canyon. Elena petitioned the U.S. Government to release the Trust Patent Deed to her, thus gaining full rights to Indian Canyon by decree from President Harry S. Truman in 1945.

Our family continued to reside on this land with my Mother Elena continuing to share the land and its bounty with others throughout her life time. Elena held gatherings almost every Sunday and allowed Indians and Anglos to camp on the land and hunt in the mountains. The

Conservation Authority during those years would always donate downed Boar and Deer to the Canyon for my Mothers gatherings.

Land adjoining ours, farther up the Canyon, where my Great-Grandfather maintained a small cabin was not part of the Indian Allotment. My Mother began efforts to acquire that parcel. She passed away before this land could be obtained.

In 1980 the Indian Canyon Mutsun Band of Costanoan Indians convened and it was agreed that they would pursue avenues to acquire the adjacent land that Elena had sought. The land was now under the jurisdiction of the Bureau of Land Management. Under the same Indian Allotment Act of 1897, the Mutsun Band petitioned the U.S. Government.

I, Ann Marie Sayers, having been appointed Chairperson of the Mutsun Band of Costanoan Indians started our "VISION QUEST" of reclaiming this land by submitting a application for a Trust Patent Deed in 1981.

After 7 years of effort to reclaim our ancestral land (it wasn't easy... and it has been well documented...and with the help of thousands of people and the California Indian Legal Service) a Trust Patent Deed was issued on August 19,1988 to the Mutsun Band of Costanoan Indians.

All of this testimony can be substantiated and it is our request that the Mutsun Indians of Indian Canyon having pursued and realized a Government to family relationship be allowed the privilege of gaining their sovereignty and establishing a Government to Government relationship.

Our ancestors are of this land, and their spirits are abound here. Our Vision Quest is to obtain a more precise history of the Mutsun Band of Costanoan Indians through Cultural research activities. Then share our knowledge with those who care.

"The land is our Mother...if you take something from her...give something back...she will always provide for you".

We have our land, we have our spirit, and our ancestors behooved us to beseech you to recognize them by recognizing us as a Tribe.

April 25, 1989
Date

Ann Marie Sayers

Ann Marie Sayers - Chairperson
The Indian Canyon Mutsun
Band of Costanoan Indians
Indian Canyon Ranch
Hollister, CA 95024-0028
(408) 637-4238

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TOLOWA nation

P.O. Box 213 Fort Dick, California 95538

REMARKS

OF

⊛ AUDREE D. BOWEN
President

BEFORE

THE SELECT COMMITTEE ON INDIAN AFFAIRS
HEARING ON S. 611

[illegible] p.m. Room 1450
FRIDAY, APRIL 28, 1989
BOARD OF SUPERVISORS COUNCIL CHAMBERS
700 H Street
SACRAMENTO, CALIFORNIA

RESOLUTION #9-01

COPY

WHEREAS, We, Tolowa Nation, do hereby agree in uniting with the 'Association of non-Federally Recognised Tribes of California', to pursue action in becoming federally recognised; and

WHEREAS, Tolowa Nation Tribal Council on May 1989 agreed to send two Representatives to attend a meeting for Unrecognised Indians of California at Clovis, California; and

WHEREAS, at our August 1988 regular meeting, voted and approved to become united with the 'Association of non-Federally Recognised Tribes in California'; and

WHEREAS, Tolowa Nation Tribal Council authorises Logan Slagle to represent Tolowa Nation's interest with the 'Association of non-Federally Recognised Tribes in California'; therefore, be it

Resolved, that Tolowa Nation strongly adheres to the functions of the 'Association of non-Federally Recognised Tribes in California'.

Audree D. Bowen, president

Janice M. Bowen, secretary

ADB/jmb

In 1828, through Jedediah Smith, the Federal Government recognized the Tolowas. Soon after the "shifting" began along with other nearby Tribes - to places unsuitable for Federal Government use, they thought, until the land was found to be valuable and we would be uprooted again. This practice continues today with Federal, County & Local governments; and it is not now all Indians. From this decision members of Tribes intermarried, causing confusion as to where we belonged until the Federal Government gave us Tribal names. Years back prior to the arrival of the Mayflower, we knew our areas, often trading with each Tribe or Village for survival purposes. Our ancestors knew the trading places and at times Big Times were held; this included the northwestern counties of (now) Siskiyou, Trinity, Del Norte, Humboldt, parts of Modoc and southwestern Oregon.

When the Federal Government decided to let Tribal Members return to their original habitat, many stayed because of marriage; dwindling the "shifted" Tribes. After the 1853 Yontocket Massacre, the Tolowas were moved to an Island, which became flooded; again we were moved to the now 'Reservation Ranch', which was sold to a 'prominent' Smith River family for their services to the BIA for One ($1.00) Dollar. Then our ancestors were moved to the now Smith River Rancheria. In the mid-30's the Federal Government again wanted to move our Tribe up in the hills south of Crescent City. Being tired of this "shifting" game and educated in our Boarding Schools, we objected - the ocean supplied us with food. This hill now has a big lumber-producing mill on it; so possibly we could have again been moved to . . . . Timbuktu!!!

In 1929, as you know, times became hard. Government and County help was nil. So an Indian group, the Del Norte Indian Welfare Association (DNIWA), was formed to help our people and other Tribes in the area by Fund Raising events. Although it was a struggle, the BIA did comply at times with our urgencies for family needs. Even after termination the BIA acknowledged our Association by giving us assistance when asked. It is only recently we have been denied because of the reestablishing of the Smith River and Elk Valley rancherias, which did not include 'other' Tolowas of the ~~same~~ SAME area on their new Rolls.

I blame the BIA in their direction in forming the two Rancherias in northern Del Norte County, by not opening the Rolls to all Tolowas; the BIA accepted only those descended from assigned allottees when terminated. I would like to mention the DNIWA helped in assigning and dividing the Lots prior to termination. Many of the 'other' Tolowas are descendents to the original allottees. In setting up the two Rancherias, somehow 'American Greed' came into focus . . . We don't want to share or divide their assignments . . . so the new Roll was formed. The Tolowa Nation members only wanted to be RECOGNIZED - RECOGNIZED according to our Unratified Treaty, To be RECOGNIZED as the original natives of North America - the Red-American Indian Race, as the United States recognizes other races of our country.

Tolowa Nation was formed to include all Tolowa descendants of our aboriginal territorial grounds. Elk Valley, Smith River rancherias and Tolowa Nation are all related by blood or through marriage, including some of the outlying Tribes. We have Elk Valley and Smith River rancheria enrollees who have and are, to this day, applying to become members of Tolowa Nation.

The BIA should have known this; because initially our ancestors of those two Rancherias have always included all Tolowas not living on the Rancheria, in their gatherings, decision making, etc., through the DNIWA. You might say the DNIWA was the Tribal governing body of the Tolowas from 1929 up to termination. The DNIWA is still in existence and functioning today, assisting our people. The Federal Government did their job by dividing the Tolowas to the point some are not now on speaking terms - Why? Greed!

The Federal Government has recognized all Tolowas throughout time by giving us aid in health, education and welfare. Currently, the Tolowas are mentioned in the new enrollment of the BIA Transition Team for the Yurok-Hoopa Tribes. There is no question, the Federal Government KNOWS we are here and DO EXIST.

Gregory Schaaf, Ph.D.
1200 W. Sacramento Ave., #12
Chico, CA 95926

April 28, 1989

Senator Daniel Inouye
United States Senate
Select Committee on Indian Affairs
Washington, D.C. 20510-6450

Subject: S. 611 to establish administrative procedures to determine the status of certain Indian groups

Dear Senator Inouye:

It is a pleasure to offer testimony once again to the Select Committee. You may recall our meeting in December of 1987 when I testified in behalf of the Iroquois Confederacy in support of Senate Resolution 76. As a professional historian and assistant professor in American Indian Studies, I appreciate your recognition of the need to support accurate historical research for the original people of this land.

Because I have conducted research for a federal recognition application, I feel qualified to offer a few brief comments on S. 611. There exists well over a million pages of documentary evidence related to California Indian history and culture now held within the National Archives, Smithsonian Institution, Library of Congress and other repositories scattered from coast to coast. My question is. . .how can we best help Indian people gain access to documents which will help determine their status and insure their sovereign rights as Indian nations?

My suggestion is simple. I propose there be created a central repository in California where all of the papers related to California Indians can be gathered, organized, and distributed. To achieve this goal, California State University, Chico (my college) and Stanford University have teamed up to design a model for the creation of "THE NATIONAL CENTER FOR AMERICAN INDIAN RESEARCH AND RESOURCES." (*See attached organizational chart and abstract)

We recently have submitted a grant proposal to the U.S. Department of Education for initial start-up funds and are exploring other avenues to create a permanent facility. We have the manpower (last semester over 1,000 students took classes at our campuses with significant components in American Indian Studies). We have the expertise and broad based community support (Our proposal was warmly received at the recent U.S. Department of Education annual conference on Indian Education.) However, our efforts could be accelerated with support and cooperation in the following areas:

1. We need full cooperation from all federal agencies to gain access to documentary evidence. For example, the stacks have been closed to researchers at the National Archives. Access can only be gained through partial indexes which broadly outline only a small percentage of the American Indian documents. Researchers used to be able to go right in where the documents are stored, but now we are denied access. The problem is not the staff members (they're great), but our hands are tied by a change in policy. We wish that we could send in teams of researchers with lap top computers and scanners to digitally read the documents and then distribute them through a computerized network.

2. We need an efficient network to share information directly with Indian nations and other groups. We dream of the day when every Indian nation at least has a FAX machine and a computer. Information could then be shared between Indian nations, national organizations, schools, libraries and various federal and state agencies. The technology exists. The cost is coming down. The need is great.

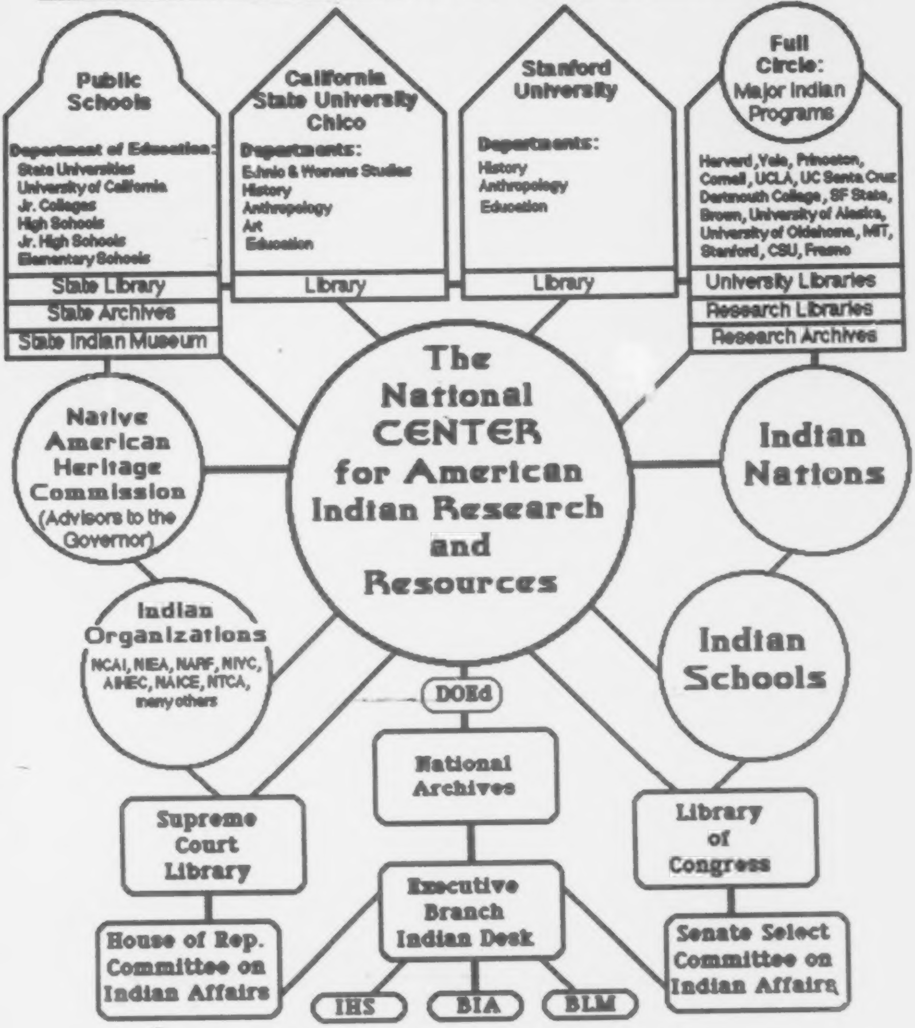
3. We need a National Center for American Indian Research and Resources. Money could be saved, and Indian people could be better served by having central clearinghouse for documentary information. Under the present system, in the case of tribes preparing applications for federal recognition, small grants (an estimated $20-30,000/for one year) are allocated by ANA and other sources to conduct research. I have seen dozens of small groups of 3 or 4 tribal members come into the National Archives, for example, and begin a frustrating search for key documents like "hunting for a needle in a haystack." In a few weeks their travel funds are exhausted, and they return home in hopes they've

found enough evidence to prove political continuity and can satisfy the other criteria. If it seems logical to create a National Center for American Indian Research and Resources, how might the Select Committee help facilitate the effort to insure its success?

Thank you for placing this testimony in the official record.

Sincerely,
Gregory Schaaf
Gregory Schaaf, Ph.D.
Historian

Future American Indian Network


Public Schools
Department of Education:
State Universities
University of California
Jr. Colleges
High Schools
Jr. High Schools
Elementary Schools
State Library
State Archives
State Indian Museum
California State University Chico
Departments:
Ethnic & Womens Studies
History
Anthropology
Art
Education
Library
Stanford University
Departments:
History
Anthropology
Education
Library
Full Circle:
Major Indian Programs
Harvard, Yale, Princeton, Cornell, UCLA, UC Santa Cruz Dartmouth College, SF State, Brown, University of Alaska, University of Oklahoma, MIT, Stanford, CSU, Fresno
University Libraries
Research Libraries
Research Archives
Native American Heritage Commission (Advisors to the Governor)
The National CENTER for American Indian Research and Resources
Indian Nations
Indian Organizations
NCAI, NIEA, NARF, NIYC, AIHEC, NAICE, NTCA, many others
Indian Schools
DOEd
National Archives
Supreme Court Library
Library of Congress
Executive Branch Indian Desk
House of Rep. Committee on Indian Affairs
Senate Select Committee on Indian Affairs
IHS
BIA
BLM

designed by Gregory Schaaf, Ph.D.
Director, American Indian Studies, California State University, Chico

ABSTRACT

Creation of
THE NATIONAL CENTER FOR AMERICAN INDIAN
RESEARCH AND RESOURCES

I. IDEA:

As we near the 500th anniversary of the "discovery" of Columbus by American Indians, the time has come to create a national Center to coordinate the exchange of knowledge regarding the Original People of the Americas. During year one the Center will create a model to gather, analyze and distribute information between Stanford University and California State University, Chico (CSU, Chico). Each year the network will expand to connect libraries, schools, organizations and governmental agencies throughout the state, nation and one day around the world.

American Indian documents, photographs, tapes, maps and other materials will be prepared to be scanned into a computer data bank. Our collection will include materials on history, culture, education, law, medicine, environment, natural resources, economics, business, art, literature, music and current affairs. The Center will develop a model for a computerized information service where data may be distributed via modem, FAX, CD/ROM and other modes of communication. The Center ultimately will offer a variety of educational opportunities including joint research projects, conferences, workshops, exhibitions, technical consulting, a publication series and future planning.

II. GOALS: Year One

1. To create a model for the National American Indian Network. A technical plan will be developed and tested. This will include how the information will be gathered, a prioritized list of information to be collected, a system for accessing and cataloging each document and a plan for distribution. Information will flow between the libraries of CSU, Chico and Stanford University.

2. To survey the needs and capabilities of those to be served by this network. A brochure and questionnaire will be mailed directly to a national cross-section of libraries, schools, governmental agencies, Indian nations and organizations.

3. To conduct an economic analysis of collection, storage and delivery systems. Technical specialists from CSU, Chico and Stanford University will analyze the most economical and efficient information systems. The system must also be "user friendly." Plans to merge existing data bases will be developed to maximize long term cooperation and cost savings.

4. To disseminate information through our computerized library systems. Staff members will be trained to allow easy access to information. Between our two campuses, we have over 1,000 students presently enrolled in American Indian related courses, faculty members in the fields of of American Indian history, anthropology, social science, literature, art, ethnic and women studies, as well as an estimated 40,000 American Indians within our service areas.

Maidu Nation - N.E. California
P.O. Box 204
Susanville, California 96130

April 21, 1989

Senate Select Committee
U.S. Senate
838 Hart Building
Washington, D.C. 20510

RE: FAP Testimony

Senator Inouye and Senate Select Committee:

The Maidu Nation thank you for giving us this opportunity to testify in behalf of our people.

Although the Maidu people have numerous issues to present and protest, time limits us to the more pressing issue of Federal Acknowledgement; in essence our identity as an Indian Nation.

It has been the standard procedure that the usual governmental process of Federal Acknowledgement must be followed before we, as California Indians will finally be allowed that consideration granted tribes of other states, by virtue of ratified treaties. (not Federal Acknowledgement)

Because the treaties of 1851-52 were rejected by the Senate and remain unratified even now, the non-recognized California Indians are facing social, political and economic hardship, and the legal maze of governmental policies, legislation, commissions, acts, trusts and laws, failed to take into consideration the numerous California Indians that don't reside on rancherias or reservations, which is apparently the qualifying factor of "federally-recognized" Indians.

This discriminating fact has become clearly apparent to the members of the Maidu Nation. Also, our own Tribal laws, religion, ceremonies, and even our history, have had no effect on that bureaucratic bible that can make a distinction of who is and who isn't "Indian". How long must we remain still unrecognized or obscured in legalities? We as an indigenous people aren't trying to join an elite group or fraternity. We only want our civil and human rights, traditional lands, and the rights of a sovereign nation acknowledged and returned to us. Too long have we faced discrimination and termination by 'installments' from a government that hasn't yet ratified the treaties of California.

Our testimony here today is to recommend a process, not so complex and lengthy as the BIA's Regulations, Guidelines and Policies for Federal Acknowledgement, but rather, the recommendations of the Association of Non-federally Recognized Tribes of California, outlining not only Tribal qualifications but the sovereign rights of an indigenous people. We therefore support the bill S.611 with these recommendations in mind. The recommendations of the Association of Non-federally Recognized Tribes of California is attached.

The Maidu Nation

The Association of Non-Federally Recognized Tribes of California is a charter organization originating in Central California expanding its affiliation to any unrecognized tribe of California. Our objective is to unite the non-federally recognized tribes of California with support from State and Federal Indian organizations, including the Federally Recognized Tribes, Rancheria's and Reservations of California. The goal of the Association is to seek Federal Acknowledgement from the United States Government for all unrecognized tribes of California.

The following recommendations for tribal qualifications and sovereign rights criterion were established on January 7, 1989 by members of the Association of Non-Federally Recognized Tribes of California.

Recommended Documentation for Tribal Qualification:

1. 1851 Unratified Treaties - any tribe, signed, represented or spoken of in the Eighteen, 1851 Unratified Treaties of California.

2. Land, Mineral or Water Claims and Sacred Grounds - any tribal, family, or individual litigation identifying the tribal affiliation, (i.e. claims). Documented accounts of the usage of sacred or ceremonial grounds, (i.e. cemeteries, hot springs).

3. Judgement Rolls and Census - any county, state, federal or public census (i.e. schools, churches, commissions, military or govt. census or enrollment documents), including judgement rolls of 1928, 1946 and 1968.

4. U.S. Federal Agencies, Authorized Govt. Official or Commission - any documentation or transaction between the U.S. Govt. and the California Indians identifying their tribal affiliation.

5. Religious, Ceremonial or Social-Political Documentation - any documentation, reports, articles or individual accounts of the tribal history identifying tribal heritage, including archeological, ethnographic or historical society reports as well as tribal organization constitutions, by-laws or corporation policies describing the tribes organized leadership, formal and informal ceremonial events, and any transactions involving religious and sacred grounds.

6. Cultural and Territorial Identification - any report, article, study, survey, maps, photo's, audio or visual documentation of of the qualifying tribes traditional history of their culture and /or territorial location.

7. Indian Agencies, Commission's, Tribal Govt. or Neighboring Tribal Recognition - any transaction, documentation from other Indian groups, communities, agencies, commissions or Tribal Govt's recognizing the said tribal group as a tribal entity.

Recommended Criterion of Sovereign Rights:

1. Tribal Enrollment - method or format used;
   - A. Membership Census - current or documented enrollment census
   - B. Constitution or Governing Policy - blood quantum specified
   - C. Ancestorial Descendency - documented lineage/no blood degree limit
   - D. Traditional Tribal Lineage - patrilineal or matrilineal
   - E. Tribal Adoption - traditional, ceremonial or documented policy of enrollment giving tribal recognition status.

2. Self Governing and Self-Sufficiency - right to apply, participate and create self governing endeavors in the area of economics, health, education, religion and politics.

3. Religious Freedom - right to gather our cultural materials, fish and hunt, or practice our religious ceremonies on County, State, Federal or Public lands.

4. Claims - designated lands for tribal use and development including mineral, water, air, grazing and timber rights.

5. Financial Support - 3 to 5 year funding for Tribal Governing Body. Budget based on tribal membership enrollment.

We, the undersigned petitioners to the Acknowledgement and Research committee for our reinstatement of Federal Recognition, duly sign this petition in good faith and thank the Senate Select committee on Indian Affairs for considering our recommendations.

Tribe: Maidu Nation - NE. California

Tribal Leader: C. Dara Le Compte

Tribal Representatives:

Jewel (Reynolds) Pavaluna Butte Co. rep 1693 Mt Ida Rd Oro 95966
Sharon Guzman Butte Co Rep 4310 W. Ave.
Alfred Mitchum Rt 5 Box 46 Red Bluff Ca. Tehama Co Rep
Marie Reid - Janesville - Lassen Co. Rep.
Rhonda Rupert Susanville Ca Lassen Co Rep.
Rena Buckman 25 Southview Dr. Oro Plumas Co. Rep.
James Edwards Marysville, Ca. Yuba Co. Rep.
Martha Noel Dobbins Ca. Yuba Co. Rep.
Lorena Mix, Greenville, CA - Plumas Co. Rep.

THE MAIDU NATION
P.O. Box 204
Susanville, CA 96130

Resolution #05-88-002

RE: FEDERAL RECOGNITION AND ELIGIBILITY

WHEREAS: The Maidu Nation is a sovereign nation and enjoys the right to sovereign powers and responsibilities to the Maidu people; AND

WHEREAS: The membership of the Maidu Nation has historically been determined by Tribal descent, custom and religion, free from Federal law and interference, until the Gold Rush era onto the Maidu lands, AND

WHEREAS: The Maidu people were forced out of their ancestral lands and put in 'Holding Pens' until their lands were claimed by miners, settlers and soldiers, then released to become squatters on their own land; AND

WHEREAS: The Maidu Tribe can't enjoy the benefit of "eligibility" without first being federally recognized as an Indian Tribe, AND

WHEREAS: The Congress of the United States failed to ratify the treaties of 1892 creating a class commonly referred to as "non-federally recognized" Indian or tribes and caused thousands of California Native Americans into a class of people who do not enjoy any benefits under the Bureau of Indian Affairs and Indian Health Service policy. The Maidu Nation is counted in this class of non-federal recognition today, AND

WHEREAS: The Bureau of Indian Affairs of California has not acted in good faith in their dealings with California Native Americans since their intrusion into Indian country, using conflicting methods to determine federal recognition, and now under the new proposed Indian Health Service Eligibility Rules, the entire Maidu Nation would be excluded from health care provided by the Congress by means of P.L. 93-638, AND

WHEREAS: The Congress has violated their trust responsibility to the Maidu Nation by giving to the Bureau of Indian Affairs the power to determine who is an "Indian" and the Bureau of Indian Affairs has failed to grant the Maidu Nation federal tribal status, NOW

THEREFORE BE IT RESOLVED: That the Congress of the United States act immediately by introducing legislation assuring federal recognition to the Maidu Nation and other non-federally recognized Indian nations of California in order for their people to fully access and participate in all benefits accorded Native Americans by virtue of treaties and other congressional actions.

MAIDU NATION
Resolution #05-88-002

WE, THE UNDERSIGNED CERTIFY:

That the above resolution was passed by a Council of representatives of the Maidu Nation, having received authority to act in behalf of the Maidu people at meetings held by the Butte County Maidu, Lassen County Maidu, Yuba County Maidu and Tehama County Maidu, et al; passed by a vote of five (5) representatives of the Maidu Nation, and the Maidu Nations proclaimed Leader/Spokesperson.

Date: June 21, 1988

Signed: Clara LeCompte
Clara LeCompte, Tribal Leader

Sharon [illegible]
Butte Co. Maidu Representative

Alfred Kitchen
Tehama Co. Maidu Representative

Yuba Co. Maidu Representative

Marie Reid
Lassen Co. Maidu Representative

Plumas Co. Maidu Representative

WE, THE UNDERSIGNED, ARE MEMBERS OF THE MAIDU INDIAN TRIBE RESIDING IN [redacted] (MAIDU NATION) AND ARE HEREBY PETITIONING THE U.S. CONGRESS FOR FEDERAL RECOGNITION.

	Name	Address
1.	Lorena Mix	P.O. Box 341, Greenville, CA 95947
2.	David E. Moore	" "
3.	John D. Moore	" "
4.	Joseph W. Moore	" "
5.	Sarah L. Moore	" "
6.	Deleen S Mix	P.O. Box 341, Greenville, Ca. 95947
7.	Toby R Edwards	P.O.B 377 Greenville Ca 95947
8.	Lorraine Edwards	P.O.B 377 Greenville Ca 95947
9.	Verna Meyer	POB 457 Greenville Ca 95947
10.	Willis C Potts	POB 457 Greenville Ca 95947
11.	Christine Edwards	POB 377 Greenville Ca 95947
12.	Raymond Edwards	POB 377 Greenville Ca 95947
13.	Jon Edwards Wilson	POB 377 Greenville Ca 95947
14.	Arron Potts	POB 850 Greenville Ca 95947
15.	Brooke Meyer	POB 457" "
16.	Michael Meyer	" "
17.	Tara Potts	" "
18.	Gail Potts	P.O. Box 341 Westwood, CA. 96137
19.	Kennley Trejo	" "
20.	Cedric Trejo	" "
21.	Timothy Heffley	" "
22.	Gene Potts	c/o P.O. Bx. 341 Westwood, CA 96137
23.	Austin Potts	" "
24.		
25.		

WE, THE UNDERSIGNED, ARE MEMBERS OF THE MAIDU INDIAN TRIBE RESIDING IN LASSEN COUNTY (MAIDU NATION) AND ARE HEREBY PETITIONING THE U.S. CONGRESS FOR FEDERAL RECOGNITION.

Name	Address
Rhonda Rupert	500 Limoneria Ave #20 } Same address
Gregory Rupert	Susanville Ca 96130
Carl Edwards SR	905 Birch Street Westwood 96137
Carl Edwards JR	"
Kristina Edwards	"
James L. Edwards SR	304 Cedar st Westwood 96137
Marlene Rhoades	304 Cedar st Westwood 96137
Luwana Jack	500 Limoneria #38
Kyle Jack	5 "
Darlene Jack	"
Mickey Mix	Box 204" Susanville 96130
Harold Jack	Gen. Del. Standish, CA.
Phillip Jack	" "
Harley Jack	" "
Hardin JACK	" "
Rodney Shipes Jr.	Gen. Del. Johnstonville, CA 96130
Shannon Shipes	" "
Darlene Carmona	Juniper Trailer park #8 96130 }
Maria Carmona	Susanville, Ca.
Rodney Redhawk Schofield	"
Steven Archie Joe	"
Nathanial Joe	"
Wahara Star Mix	PO. Box 204, Susanville, Ca 96130
James L Edwards JR.	1515 RIVER SIDE DR SUSANVILLE
Theresa Q Edwards	1515 RIVERSIDE DR SUSANVILLE
Alicia M Edwards	" "
Donald J Edwards	

WE, THE UNDERSIGNED, ARE MEMBERS OF THE MAIDC INDIAN TRIBE RESIDING IN LASSEN COUNTY (MAIDU NATION) AND ARE HEREBY PETITIONING THE U.S. CONGRESS FOR FEDERAL RECOGNITION.

Name	Address
Mary Joseph	26 Upland St. Susanville
Kenneth Joseph Sr.	" "
michael Joseph	500 Lominawesia Ave #16
Reapea Joseph	Susanville CA 96130
Kayla Joseph	
Brenda Elliot	Paiute Lane apts - Susanville
Steven Elliot	"
Sonny Elliot	"
Shama Elliot	"
Steven Joseph	P.O. Box 204 Susanville Ca 96130
Winter Hawk Joseph	"
Nala Joseph	U.S. Navy
Tanya Joseph	26 Upland - Susanville 96130
Robert Joseph	Ft. Duchane Utah

WE, THE UNDERSIGNED, ARE MEMBERS OF THE MAIDU INDIAN TRIBE RESIDING IN LASSEN COUNTY (MAIDU NATION) AND ARE HEREBY PETITIONING THE U.S. CONGRESS FOR FEDERAL RECOGNITION.

Name	Address
Maude E. Sailors	Juniper Trailer Park #8, Susanville 96130
~~Elsa J. LeCompte~~	~~P.O. Box 804, Susanville, Ca. 96130~~
Eunice L. Alvarez	P.O. Box 1258 Susanville
Radley T. Shipes	P.O. Box 1609 Susanville Ca. 96130
Roberta D. Shipes	P.O. Box 1689 Susanville Ca 96130
Sandra S. Mullen	" " " "
Robert J. Mullen	" " " "
Tirla Shipes	" " " "
John M. Martinez	Susanville, CA 96130-Gen. Del.
Marie Reid	P.O. Box 555 Janesville Ca 96114
Marvin O. Hefner	" " "
Ricky Hefner	" " "
William Hefner	" " "
Johnny Hefner	" " "
Robert Sailors	" " "
Levi Sailors	" "
Dewayne Sailors	" "
Cesario Cessario Sailors	" "
C. Daniel Sailors	" "
Christen Hefner	" "
Richard Hefner	" "
Adam Hefner	" "
Marvin T. Hefner	" "
Vanessa Hefner	" "

WE, THE UNDERSIGNED, ARE MEMBERS OF THE MAIDU INDIAN TRIBE RESIDING IN [redacted] (MAIDU NATION) AND ARE HEREBY PETITIONING THE U.S. CONGRESS FOR FEDERAL RECOGNITION.

	Name	Address
1.	Alfred Kitchen	Rt 5 Box 46 Red Bluff Ca. 96080
2.	[illegible]	P.O. Box 171 (Red Bluff 96080
3.	Eugene [illegible]	23105 Green St Red Bluff 96080
4.	Luellen Ford C.B.	23105 Greene St. Red Bluff, Ca. 96080
5.	Richard E. Kitchen	Rt 5-Box 41 Red Bluff, CA 96080
6.	Pearl J. Henderson	1438 Marin St. Corning, Ca. 96021
7. B.H.	Opal E. Radford	P.O. Box 152, Kings Beach, Ca. 95719
8.	Delores J. Manson	25122 Ohio Ave-Corning Ca. 96021
9.	Ruth V. Middleton	23450 Blackburn Ave.-Corning, Ca. 96021
10.	Keri Henderson	1438 Marin St. Corning, Ca 96021
11.	Casey Henderson	1438 Marin St. Corning, Ca 96021
12.	Tommy E. Radford	P.O. Box 152, Kings Beach, Ca. 95719
13.	Shawn Henderson	1438 Marin St. Corning CA. 96021
14.	Truman Virden	22785 Antelope Blvd #3 Red Bluff,
15	Caroline A. Clelan	P.O. Box 991 So. Lake Tahoe Ca. 95705
C.B.	Kelly M. Clelan	P.O. Box 991 So. Lake Tahoe Ca 95705
C.B.	Angela B. Clelan	P.O. Box 991 So. Lake Tahoe Ca. 95705
C.B.	Ralph C. Clelan	P.O. Box 991 So. Lake Tahoe Ca. 95705
C.B.	Gary W. Clelan Jr.	P.O. Box 991 So. Lake Tahoe Ca. 95705
C.B.	Fred Mesa	P.O. Box 991 So. Lake Tahoe Ca. 95705
C.B.	Cheryl Mesa	P.O. Box 211 Brownsville Ca 95919
C.B.	Marie Mesa	P.O. Box 211 Brownsville Ca. 95919
C.B.	Irene Mesa	P.O. Box 211 Brownsville Ca. 95919
C.B.	Joe Mesa	P.O. Box 211 Brownsville Ca 95919
25.	Mary E. Stovall	883 St. Charles Dr #10 Thousand Oaks, Calif. 91360

WE, THE UNDERSIGNED, ARE MEMBERS OF THE MAIDU INDIAN TRIBE RESIDING IN TEHAMA COUNTY (MAIDU NATION) AND ARE HEREBY PETITIONING THE U.S. CONGRESS FOR FEDERAL RECOGNITION.

Name	Address
MS Jimmy Brancho	883 St. Charles Dr. #10 Thousand Oaks, Calif. 91360
MS Celia Brancho	883 St. Charles Dr. #10 Thousand Oaks, Calif. 91360
B.B. Nancy Collins	10240 Coloma Sac. Ca. 95827
B.B. Tracy Collins	10240 Coloma Sac. Ca. 95827
B.B. DeWayne Collins	10240 Coloma Sac 95827
MS. Virginia Torres	P.O. Box 85 Vina, Calif. 96092
MS. Joseph B. Mace	2243 Rosier Rd. Augusta, Ga 30906
MS. Joseph B. Mace Jr.	2243 Rosier Rd. Augusta, Ga 30906
MS. Trudy M. Pruitt	P.O. Box 85 Vina, Calif 96092
MS Margery Ramirez	P.O. Box 85 Vina, Calif 96092
MS Carmen Nardeck	Rt. 2 Box 2129 A Red Bluff, Ca
MS. Timothy Torres	P.O. Box 85 Vina, Calif 96092
MS. Thomas Torres	P.O. Box 85 Vina, Calif. 96092
MS Mindy Sanchez	P.O. Box 85 Vina, Calif. 96092
Truman Virden III	2395 2nd St Cottonwood Ca 96022
Tember J. Virden	2395 2nd St Cottonwood Ca 96022
Trinity O. Virden	2395 2nd St Cottonwood Ca 96022
B.O. Kenny Benner	344 Buckboard, Myrtle Creek Ore. 97457
Beverly Ogle	15540 Pioneer Ct Red Bluff Ca 96080
B.O. Danny Heard	Box 20 Paynes Creek. Ca.
B.O. Freddy Heard	1719 N. Clayton Fresno Ca. 93703
B.O. Vera Heard	Box 20 Paynes Creek Ca. 96075
B.O. Brenda Heard	15540 Pioneer Ct. Red Bluff. Ca. 96080
B.O. Michael Mullins	15540 Pioneer Ct. Red Bluff. Ca. 96080
B.O. Kenny Holbrook	15540 Pioneer Ct. Red Bluff. Ca. 96080

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Name	Address
Cindy Halbrook.	15540 Pioneer Ct. Red Bluff, Ca. 96080
Brenda Heard II	Box 20 Paynes Creek. Ca. 96075
Vere Heard Jr.	Box 20 Paynes Creek Ca. 96075

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Name	Address
Winifred Kitchen Harris	P.O. Box 248 - Ft. Duchesne, Utah 84026
Nadine Harris Ferguson	P.O. Box 462 - Fort Duchesne Utah 84026
Windy LaRae Wopsock nf	Box 462 - Ft. Duchesne, Utah 84026
Tammy Ferguson Kosec	P.O. Box 294 Myton, Utah 84052
Frank Lucious Richins*	P.O. Box 294 Myton, Utah 84052
Neesha Mishell Richins*	P.O. Box 294 Myton, Utah 84052
Doreen Wopsock	Star Route 223 Whiterocks, UT 84085
Sherry F. Richins	P.O. Box 69, Ft. Duchesne UT 84026
Nicole W. Richins	P.O. Box 69, Ft. Duchesne UT. 84026
Chanel B. Richins	P.O. Box 69, Ft. Duchesne UT. 84026
Ashley A. Richins	P.O. Box 69, Ft. Duchesne UT. 84026
Lindsey B. Richins	P.O. Box 69, Ft. Duchesne UT. 84026
Kale Harris nf	119 W. 400 N., Roosevelt, Ut 84066

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Name	Address
Danny Harris	624 So 1750 w Vernal Utah 84078
Mandi Harris D.H.	624 So 1750 w Vernal Utah 84078
CORY HARRIS	441 So. 200 w. Vernal UTah 84078
Troy Harris	290 West Ashley Dr. Vernal Ut
Lydia Harris T.H.	290 West Ashley Dr. Vernal Ut
Brittney J. Harris T.H.	290 West Ashley Dr. Vernal Ut

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	Name	Address
	~~Kevin Dean Stimson~~	~~P.O Box 36 Plush OR 97637~~
	Ronell Lee Stimson	P.O. Box 36 Plush OR 97637
	Debrauh Elanor Stimson	P.O ~~Box~~ 36 Plush OR 97637
	Ella Mae Stimson	PO. Box 36 Plush OR 97637
E.M.S.	Charles Burton Horner	Box 603 Superior Mt 59872
E.M.S.	Rebecca Ann Horner	HC 51 Box 563 Wenston OR 97496
EMS	~~M~~ Melissa Lou Weber	PO. Box 36 Plush OR 97637
EMS	Thomas Kiven Weber	PO Box 36 Plush OR 97637
EMS	Robert Q Simmis	PO. Box 36 Plush OR 97637
EMS	Carole Amy McPhile	2000 Ash St Susanville CA. 96130

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Name	Address
Shirley Ann Almack	RR# 2 Box 120 Blackwell Okla 74631
Billy Reese Almack ¼	RR#6 Box 800A Alvin Texas 77511
Phyllis Anne Hemenway ¼	720 Privet Pl. Manteca Calif 95336
Doyle Dean Almack	715 N 3 Blackwell, Okla 74631
Amber Ann Almack (child ¼)	RR#6 Box 800 A Alvin Texas 77511
Jacob Almack (child ¼)	RR#6 Box 800 A Alvin Texas 77511
James Niel Almack (child ¼)	RR#6 Box 800 A Alvin Texas 77511
Tyla Hemenway child	720 Privet Place Manteca Calif 95336
Chance Hemenway child	720 Privet Place Manteca Calif 95336
Nathan Almack child ¼	715 N 3. Blackwell Okla 74631
Michell Almack child ¼	715 N 3 Blackwell Okla 74631

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Name	Address
Edith Mary Barringer (Horner)	502 N. Osage Ponca City Okl. 74601
Wade Eagle Magnuson (son)	"
Richard Lee Barringer (son)	"
Tia Mia Bass (Dau)	
Tammy Marie Bass (Nunn) Dau.	Amarillo, Texa
Linda Lee Allen (Hayes) (Dau.)	Rt6. Box 337 Ponca City Okla 74602
Rocky Paul Hayes (Son)	P.O. Box 622 Booker Tex 79005
Elmer Edson Hayes (Son)	502 N Osage P.C. Okla 74602
Albert Earl Harris (Son)	"
William Patrick Harris (Son)	"
Craig Asher Nunn (G.S.)	
William Patrick Harris Jr (G.S.	
Janet Marie Hayes (G.D.)	
Shawn Hayes (G.S.)	
Christy Hayes (G.D.)	
Amanda Marie Hayes (G.D.)	
Misty Dawn Hayes (G.D)	
Rocky Paul Hayes (G.D)	
David Wayne Magnuson, (G.S)	
April Mick Magnuson (G.D)	
Mickel Lee Magnuson G.S.	
Kimberly Dawn Allen (G.D)	
Keneth Earl Allen (G.S)	
Laura Lee Allen (G.D)	
Ruth Ann Harris (G.D)	

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Name	Address
Roger Eusted	1110 Metzger Red Bluff CA. 96080
Roger Loyd Eusted	Red Bluff CA
Jonette Eusted Howard	Red Bluff CA
Ricky Eusted	Red Bluff CA.
Josha Howard	Red Bluff CA
Colin Howard	Red Bluff CA.
Karen Spangle	Red Bluff Ca 96080
K.S. Scott Spangle	1825 Douglas St. Red Bluff Ca.
R.S. Nicole Spangle	1825 Douglas St. Red Bluff Ca.
K. Nina Bennett	Stanton Calif.
K.S. Katharine Pearson	P.O. Box 91 French Gulch Ca.
K.S. Brian Pearson	P.O. Box 91 French Gulch Ca
K.S. Lesley Pearson	P.O. Box 99 French Gulch Ca
R.S. John Eusted	RT 5 Box 10 Hy 36 Fortuna Ca.
R.S. ~~[illegible]~~ Maralyn Pettett	J. St So. Tacoma Washington
K.S. Steven Pettett	Tacoma Washington
K.S. Tim Pettett	Tacoma, Wash.
K.S. Edward Pettett	J. St So. Tacoma Wash
K.S. Herman Johnson	Sacramento Ca.
Kenneth Eusted	RT 5 Box 10 Hy 36 Red Bluff Ca
Maren Eusted	RT 5 Box 10 Hy 36 96080
Kendee Eusted	RT 5 Box 10 Hy 36

WE, THE UNDERSIGNED, ARE MEMBERS OF THE MAIDU INDIAN TRIBE RESIDING IN [redacted]AIDU NATION) AND ARE HEREBY PETITIONING THE U.S. CONGRESS FOR FEDERAL RECOGNITION.

	Name	Address
1.	Sharon Rose Guzman	4310 UC Ave Oro Ca. 95966
2.	Ginara S Guzman	4310 UC Ave Oroville Ca 95966
3.	Shalaia A Guzman	4810 UC Ave Oroville Ca 95966
4.	Bert Mix	4310 UC Av. Oroville Ca 95966
5.	Jonathan Rose	4310 UC Avenue Oroville Ca 95966
6.	Joseph Mix	4421 U.C. Ave Oroville, CA 95966
7.	Kenneth Engosse	2056 North Villa Ave Palermo, CA 95968
8.	Florence A. Graham	650 Bird St Oroville Ca. 95965
9.	Carol M. Hall	6319 Lincoln Blvd. Oroville, Ca. 95966
10.	Ethan W. Hall	6319 Lincoln Blvd. Oroville, Ca 95966
11.	Grace Del Bosque	F.F. STAR RT BOX 7485 Oroville Ca 95965
12.	Rena Bushman	25 Southview Dr. Oroville 95966
13.	Geraldine Ferguson	2056 North Vill St Palermo 95968
14.	Martin Archuleta	25 Southview Dr. Oroville
15.	Nathan " "	25 Southview Dr. Oroville
16.	Heather Bushman	" "
17.	Ronald Edwards	25 Southview Dr. Oroville
18.	Phyllis Rose	2380 Oro Quincy Hwy #5 Oroville
19.	Naomi I. Letson	31 Southview Dr Oroville
20.	Stephanie F. Letson	31 Southview Dr Oroville
21.	Christine L (Lozon) Orlon	2520 Yard St Oroville
22.	James D Lozon	2520 Yard St. Oroville
23.	Laurie B Lozon	2520 Yard St. Oroville
24.	Leslie W. Hall	6319 Lincoln Blvd Oro Ca 95966
25.	Edie Manning	6056 Miners Ranch Rd Oro Ca

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Name	Address
Linda Smith	2222 Elgin St Oroville CA 95966
Smith Eddina Nicholas	2222 Elgin Street Oroville 95966
Myrtle J. Smith	2222 Elgin Street Oroville Calif.
Jewel Pavalunas	1693 Mt Ida Road Oroville Ca 95966
Ella-mi	36 Oakwood[illegible] Oroville Calif
Mildred (Alvarez) DeLeon	2220 Yard Oroville Ca
Rosalind (Vessel) DeLeon	2220 Yard Oroville Ca
Ernest G. DeLeon	" Oroville Ca
Mario L DeLeon	" "
Danny D DeLeon	" "
Patricia G. (Brown) DeLeon	" "
Marlene M (Prantz) Grashorn	2360 Yard Oroville Ca
Brenda L (Blewette) Grashorn	Montgomery St. Oroville
Andrea L. (Echols) Grashorn	Lawrence St Yuba City Ca
Elizabeth A. (Kelley) Grashorn	35 Nelson Ave Oroville Ca
Melvin J Engasser Jr	2056 North Villa Ave Palermo, CA 95568
Wendi Engasser	2056 North Villa ave Palermo, CA 95968
Heather Engasser	2056 North villa ave Palermo, CA 95968
Melvin J. Engasser III	2056 North villa ave Palermo, CA 95968
George L Engasser Sr	2056 North villa ave Palermo, CA 95568
George L. Engasser Jr.	2056 North villa ave Palermo, CA 95968
Isabel J Ruiz	P.O. Box 2719 OROVILLE, CA 95965
[illegible] Luna	P.O. Box 2719 OROVILLE, CA 95965
Ophelia Anderson	P.O. Box 161 Oroville CA 95965
Sacreana Torres	P.O. Box 2719 Oroville Ca 95965

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Name	Address
Beverly A Hammons	6356 Custer Lane
Herbert Hammons Jr.	6356 Custer Lane Oroville Ca 95966
Albert G Hammons	6356 Custer Lane Oroville Ca 95965
Laura E Hammons	6356 Custer Lane Oroville Ca 95966
Laura A Knowlton	6356 Custer Lane Oroville Ca. "
Phyllis D. Knowlton	6356 Custer Lane Oroville Ca 95966
Jessica M. Jones	P.O. Box 161 Oroville Ca 95965
Levi Anderson	Po Box 161 Oroville Ca 95965
Frank Pardo	2363 D. St. Oroville Ca
Sue Carol Dubrion	2363 D. St Oroville Ca.
Evelyn G. Gorbet	1871 S. Villa Palermo Ca
Darrell John Mix	4310 & C Ave Oroville Ca 95966
Fred Gramps.	1845 Elgin St. Oro. Ca 95965
Iva Seneca	1845 Elgin St. Oroville Ca
Betty Seneca	1845 Elgin St. Oroville Ca
Brandie Hayes	P.O. 2406 Oroville Calif.
Angelo Rose	1928 Parks St. Oroville Ca.
James L. Potts	1620 7th St. Oroville Ca
Manuel Servantes	5425 Orange Ave. Oro. Ca 95965
Beryl Cross	2929 Via La Tosa Oroville Ca.
Tony Gannett	1928 Parks St. Oroville
Dennis Rose	1928 Parks Street Oroville
Guy Lee Gannett	1928 Parks St. Oroville
Lance Rose	1928 Parks St. Oro. Ca.
Dorothy Bradford	2962 Via Pedro Oroville 95966

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Name	Address
Dorothy (Kathy) Loomis	2362 Via Cedro Oroville CA
Katrina Loomis	" "
Marvin Loomis Jr.	" "
Patricia Iwanski	" " "
Monica Longcrier	" " "
Jeff May	" " "
Brenda McCoy	" " "
Ron Reynolds	1071 mT IDA RD Oro. Ca.
Chief Reynold	" " " "
Margaret Maggie Branscum	1138 Elma 'Oro 'Ca
D. G Branscum	" " " "
Kathleen Hayes	P.O.B 2406 Oroville
Anita Mullen	1135 10th st. Oroville, Ca
Juanita M. Mullen	1135 10th st. Oroville, Ca
Daisy Mullen	1135 10th Oro Ca
Alfred Mullen.	1135 10th Oro. Ca
Austin Mullen	1135 10th Oro. Ca
Shirley Stubblefield	503 Oro Dam Blvd. Oro Ca
Beatrice [illegible] ~~Stubblefield~~	" " "
Phyllis E. Wyman	1572 Tehama Ave Oroville 95965
Dorothy Dearman	Gen. Del. Fr. Falls Ca
Glenda Dearman	GEN. Del. Fr. Falls Ca
Patrick Dearman	GEN Del Fr. Falls Ca
Gerry Dearman	Gen Del Fr. Falls Ca
Donald Wyman	1572 Tehama Ave Oroville 95965

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Name	Address
Evelyn Ruttledge	2136 N. Villa Palermo Ca 95968
Carl Ruttledge	2136 N. Villa Palermo Ca 95968
Dan Ruttledge JR	2136 N. Villa Palermo Ca 95968
Todd Ruttledge	2136 N. Villa Palermo Ca 95968
Flora Ruttledge	2136 N. Villa Palermo Ca. 95968
Steve Ruttledge	2136 N. Villa Palermo Ca 95968
Toni Wyman	1572 Tehama Ave Oroville Ca
Arthur Smokey Jones	2290 Elgin St Oro Ca 96965
Ethel Helen Moural	2290 Elgin St Oro Ca 95965
Billie E Jennings	2290 Elgin St Oro Ca 95965
Maxine Gramps	3812 Pinkston Cnyn. Rd Oro
Harvey Gramps.	290 Canyon Highlands Dr Oro.
Rena Gramps	1560 Montgomery Oro City
Edgar R. Wagner	530 Cherry St. Willows Ca 59588
Mary A. Jones	530 Cherry St. Willows Ca .59588
Robert B. Wagner.	P.O. Box 91 Brownsville Ca 95919.
Dorothy C Wageman	515 2nd St Willows Ca 959588
Shirley Van Sant	515 2nd St Willows Ca 59588
Richard Wageman	" "
Leroy Wageman	" "
Luther Wageman	" "
Dorothy Wageman	" "
	'

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Name	Address
Mable Willhoite	1977 veatch St. apt 4 Oro
Kim Thomas	1977 Veatch St Oro
Carla Vetter	1977 veatch st Oro.
James willhoite	1977 veatch st Oro
Roy willhoite	1977 veatch St. Oro.
David Thomas	" "
Robbie Thomas	" "
Brenda Thomas	" "
Anita Vetter	" "
Amanda Vetter	" "
Margaret Henley	2122 Covillaud St. Marysville
Donna Marie Potts	" " "
Renee Dawn Vega	" " "
Frank Vega Jr.	" " "
James Leon Potts	1629 7th. St. Oroville Ca
James Rae Leon Potts	1629 7th St. Oroville, CA.
JAMES Leon Potts #2	" " "
Charlotte Welch	2122 Covillaud St. Marysville
Harland Welch	" "
Fred James Steele Jr.	P.O. Box 51 Hyampom, CA.
Cheryl Lynn Steele	" " "
Carol Steele	" " "
Christina Marie Potts	" " "
Josephine L. Merenda	1880 12th. St. Oroville
Bryan C. Merenda	" "

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Name	Address
Kevin B. Merenda	1880 12th. St. Oro.
Noëlle M. Merenda	" " "
Roberta Hostetler	2122 Covillaud St. Marysville
TRINA Hostetler	" "
Kenneth Hostetler	" "
Dawn Rae Steele	Po Box 51 Hyampom, CA.
Roberta Mae Steele	" " "
Juanita Rachel Colbert	2122 Covillaud St. Marysville
Christine Colbert	" " "
Sean Colbert	" " "
Alvey Louise Steele	" " "
Nathan Steele	" " "
Megan Steele	" " "
Justine Ivey	" " "
Adam Ivey	" " "
JAY IVEY	" " "
Larry Brooks	" " "
Rodger Steele	" " "
Margaret Steele	" " "
Clarence Steele	" " "
Ashley Steele	" " "
Patti Patterson	" " "
Randy Beavers	" " "
Melissa Steele	" " "
Jerry Patterson	" " "

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Name	Address
Amanda Patterson	2122 Covillaud ST. Marysville
Lisa Devore	" " "
Amber Devore	" " "
Matthew Devore	" " "
Natasha Johnson	" " "
Aaron Steele Mantyla	" " "
BARBARA ESPINOZA	P.O. Box 736 GRidley, CALIF
ANGELA L MASON	" "
JOSEPH. S. MASON	" "
WILLIAM. E. MASON	406 DORMAN AVE Yuba City
JOSH. L MASON	1056 ASH ST GRidley
ROBERT E MASON	1056 ASH ST GRidley
JOANNE COPELAND	406 DORMAN AVE Yuba City
Rickie MANley	406 DORMAN AVE Yuba City
JAMES COPELAND	" "
RANdle LANdSTAFF	406 DORMAN AVE Yuba city
CHARLES E LUCERO	MANZANITA DR Red BLUFF
TINA LUCERO	" "
NINA LUCERO	" "
RAY LUCERO	" "
MAGGIE LUCERO	" "
Shirley Ash	203 [illegible] Blvd. [illegible] #22
Stephanie Oliver	" "
Daniel Oliver	" "
John Cole	" "

WE, THE UNDERSIGNED, ARE MEMBERS OF THE MAIDU INDIAN TRIBE RESIDING IN BUTTE COUNTY (MAIDU NATION) AND ARE HEREBY PETITIONING THE U.S. CONGRESS FOR FEDERAL RECOGNITION.

Name	Address
Bobbie Cole	703 Oro Dam Blvd #222
Don McKinty Jr.	// //
Donna McKinty	// //
Cecil Don McKinty	// //
Richard J. Smith	2255 Oro. Bangor Hy
Victor D. Brown	1903 Mt Ida Rd Oroville Calif
Geraldine Ferguson	PO Box 257, Palermo Cal 95968
Paulette Shelby	2380 Oro Quincy Hy 95965
Marie Miles	" " "
Josh Miles	" " "
Matt Potts	25 Southview Dr Oro 95966
Myrtle J Smith	2222 Elgin St. Oroville
Jewell (Reynolds) Pavaluna	1693 Mt Ida Road Oroville Ca-
Sue C Gibson	2363 D St Oro, CA 95966
Brenda L Blewett	2172B Park Ave. Oro. CA 95966
Florence A. Grasham	650 Bird st # 4 Oroville
Evelyn G. Gorbet	1871 So Villa Palermo Cal,
Dustin Rutledge	2136 North villa palermo
~~Mikie [illegible]~~ Miki Eldridge	2136 North villa, Palermo
Steven Eldridge JR.	2136 North villa, palermo
RYAN Eldridge	2136 North villa, Palermo
Justin Eldridge	2136 North ville, Palermo

THE MAIDU NATION
P.O. BOX 204
SUSANVILLE, CA. 96130

RESOLUTION # 07-88-003

RE: Consolidation ANRT

WHEREAS: The Maidu Nation is a sovereign nation and have resided continuously within our historic and traditional boundaries in Northeastern California , without the benefit of "land-base" and,

WHEREAS: the Maidu have united as a Nation to formally protest the discrimnatory treatment of our people by the United States Government, and

WHEREAS: The Maidu have expressed a desire and need to consolidate with other Indian Nations who have been placed in the same class as ourselves, commonly referred to as Non-Federally recognized Indians, and,

THEREFORE BE IT RESOLVED: That the Maidu Nation join with the association for Non-Federally Recognized Indians, and,

BE IT FURTHER RESOLVED: That the representatives of the Maidu Nation fully support the "Association" and shall do all things in our power necessary to assist in the struggle for fair treatment of our Indian nations, by being granted Federal Recognition.

CERTIFICATION

At a duly held meeting of the Maidu Nation Representatives, with a quorum of six (6), the above resolution was approved this 29th day of July, 1988

TRIBAL LEADER--MAIDU NATION	Sharon BUTTE COUNTY REP.
Marie Reid LASSEN COUNTY REP.	Martha Noel YUBA COUNTY REP.
Rena Bushman PLUMAS COUNTY REP.	TEHAMA COUNTY REP.

Senate Select Committee
U.S. Senate
838 Hart Building
Washington, D.C., 20510

January 13,1989

Dear Senator Inouye :

The tribal representatives in the Association of the Non-Federally Recognized Tribes of California and the affiliated tribe, the ________ MAIDU NATION ________ (Tribe) of ___ Northeastern ___, California, are recommending and hereby submitting written criteria for a legislative bill. It is our hope and contention that you will author a bill this 101st Congressional session giving federal recognition status and reinstating sovereign rights to the unrecognized California Indian Tribes.

The situation between the United States Federal Government and the California Indian is a unique and diverse issue. Since the Spanish-American War the California Indian has endured a sufferage from United States American progression. The Federal Government has and will continue to be faced with these issues until it creates a government to government relationship with the unrecognized California Tribes.

The Association of Non-Federally Recognized Tribes of California is a charter organization originating in Central California expanding its affiliation to any unrecognized tribe of California. Our objective is to unite the non-federally recognized tribes of California with support from State and Federal Indian organizations, including the Federally Recognized Tribes, Rancheria's and Reservations of California. The goal of the Association is to seek Federal Acknowledgement from the United States Government for all unrecognized tribes of California.

The following recommendations for tribal qualifications and sovereign rights criterion were established on January 7, 1989 by members of the Association of Non-Federally Recognized Tribes of California.

Recommended Documentation for Tribal Qualification:

1. 1851 Unratified Treaties - any tribe, signed, represented or spoken of in the Eighteen, 1851 Unratified Treaties of California.

2. Land, Mineral or Water Claims and Sacred Grounds - any tribal, family, or individual litigation identifying the tribal affiliation, (i.e. claims). Documented accounts of the usage of sacred or ceremonial grounds, (i.e. cemeteries, hot springs).

3. Judgement Rolls and Census - any county, state, federal or public census (i.e. schools, churches, commissions, military or govt. census or enrollment documents), including judgement rolls of 1928, 1946 and 1968.

4. U.S. Federal Agencies, Authorized Govt. Official or Commission - any documentation or transaction between the U..S. Govt. and the California Indians identifying their tribal affiliation.

5. Religious, Ceremonial or Social-Political Documentation - any documentation, reports, articles or individual accounts of the tribal history identifying tribal heritage, including archaeological, ethnographic or historical society reports as well as tribal organization constitutions, by-laws or corporation policies describing the tribes organized leadership, formal and informal ceremonial events, and any transactions involving religious and sacred grounds.

6. Cultural and Territorial Identification - any report, article, study, survey, maps, photo's, audio or visual documentation of of the qualifying tribes traditional history of their culture and /or territorial location.

7. Indian Agencies, Commission's, Tribal Govt. or Neighboring Tribal Recognition - any transaction, documentation from other Indian groups, communities, agencies, commissions or Tribal Govt's recognizing the said tribal group as a tribal entity.

Recommended Criterion of Sovereign Rights:

1. Tribal Enrollment - method or format used;
   - A. Membership Census - current or documented enrollment census
   - B. Constitution or Governing Policy - blood quantum specified
   - C. Ancestorial Descendency - documented lineage/no blood degree limit
   - D. Traditional Tribal Lineage - patrilineal or matrilineal
   - E. Tribal Adoption - traditional, ceremonial or documented policy of enrollment giving tribal recognition status.

2. Self Governing and Self-Sufficiency - right to apply, participate and create self governing endeavors in the area of economics, health, education, religion and politics.

3. Religious Freedom - right to gather our cultural materials, fish and hunt, or practice our religious ceremonies on County, State, Federal or Public lands.

4. Claims - designated lands for tribal use and development including mineral, water, air, grazing and timber rights.

5. Financial Support - 3 to 5 year funding for Tribal Governing Body. Budget based on tribal membership enrollment.

We, the undersigned petitioners to the Acknowledgement and Research committee for our reinstatement of Federal Recognition, duly sign this petition in good faith and thank the Senate Select committee on Indian Affairs for considering our recommendations.

Tribe: Maidu Nation / N.E. California

Tribal Leader: Clara LeCompte

Tribal Representatives:

Sharon Guzman Butte Co Rep. 4310 [illegible] Ave. Oro Ca 95966
Jewell (Reynolds) Pavalunas Butte Co Rep 1693 Mt. Ida Rd. Oro. Ca 95966
Alfred Kitchen Rt 5 Box 46 Red Bluff Ca. Tehama Co Rep.
Marie Reidl - Janesville Ca. - Lassen Co. Rep.
Rhonda Rupert Susanville Lassen Co Rep
Bessa Buckman 25 Southview Dr. [illegible] Co Rep.
James L. Edwards Jr. Marysville, Ca. Yuba Co. Rep.
Martha Noel Dobbins Ca. Yuba Co Rep.
Lorena Mix, Greenville, CA - Plumas Co. Rep.

NELE-CHUN-DUN
BUSINESS
COUNCIL

Honorable Daniel K. Inouye, Hawaii
Senate Select Committee on Indian Affairs
Washington, D.C. 20510-6450

RE: Bill S.611 "Indian Federal Acknowledgment Administrative Procedures Act of 1989"

Nele-chun-dun Business Council is composed principally of registered members who are direct lineal descendants of Nelechundun Village located on the lower course of the Smith River in Del Norte County, California. Nelechundun is a village district associated with other Tolowa communites that share our larger aboriginal territory. Nelechundun is a former weir site when the First Catch Salmon Rites were performed in aboriginal times. Our Village was also a major tobacco growing center for the Tolowa and our neighbors. Today, as in the past, Nelechundun is a "Dance Place" for the annual Feather Dance or "Naydosh". The legal land base for Nelechundun came as an allotment circa.1894. The land is currently held in trust status by the Bureau of Indian Affairs under the Jane Hostalas Allotment I.H. 522/I.H. 1078-A, owned by Eunice Henry Bommelyn, Fredrick Scott Sr., and the heirs of Laura Scott Coleman.

Our business council was formally established in 1973 to promote the general welfare of our people; to protect our aboriginal domain and resoures; to preserve our cultural traditions, and to provide the vehicle for the on going improvement of social, economic, and educational standards through self-sufficiency for our present and future generations of Nelechundun. Yet, in light of our continued existence and formal organization, the Bureau of Indian Affairs refuses to acknowlege our tribe.

The Nelechundun members strongly support S.611, because we join the familiar history of all other California Indians. We are a non-treaty state. We have never been properly enrolled as Indians of the reservation nor rancherias. We were ruthlessly butchered and pushed around our aboriginal territory. Many of our people were sold into slavery and exported to other reservations far away from our homelands. Those of our ancestors who survived the Gold Rush of California are who we are today. The small reservations and rancherias of California have not served the Indian population. Hundreds of California Indians have gone uncounted, uncovered without protection, representation, and justly compensated for the enormous wealth extracted immorally and illegally from them. This typical history and precedent was worsen by P.L. 280 and termination.

This bill must be implemented to assist the California Indian in correcting and clarifying our quasi-Indian position and state of existence. This bill would give us the necessary status needed to succeed in our duty of our people.

Box 388 • Fort Dick, CA 95538

707-458-3120

The large tribes out of the states and other federally recognized tribes oppose this bill. They have their rights and protections laid out before them. They do not want to help their fellow Indian. They argue, "We have always been Indians, why do you want to become Indians now?". They ignore and forget history and embarrassing and unique treatment of the California Indian. Therefore, S.611 must be written to allow every Indian Tribe in California the right to be recognized by the Federal Government as a Tribe or Nation.

This bill is sorely needed and long in coming. It is the hope and desire of the Nelechundun Business Council to be Federally recognized. Through S.611 our progress and self sufficiency will be ensured.

Should you have any questions or concerns please call me at 707-464-1665 or 707-464-6141.

Sincerely,

Loren Bommelyn

Loren Bommelyn
Chairman
1235 California Street
Crescent City, CA 95531

LB:fc

SENATE SELECT COMMITTEE ON INDIAN AFFAIRS

Hearing on Senate Bill 611 — April 28, 1989

Testimony by Bret Bradigan on Title 25, Part 54

The acknowledgment procedure that came into being in 1978 is carefully thought out to insure the integrity of the system. The demands for research are fair and designed to protect the interests of tribes already recognized.

However, certain tribes are being penalized by it. You are all aware of the dismal record of the system in recognizing legitimate petitions, and the inability of many tribes to find the necessary documentation to submit a petition.

The situation of many of the tribes in California was unanticipated. They faced an unprecedented invasion of their territory during the Gold Rush, as 100,000 to 150,000 miners crowded into the eastern Sierra Nevadas between 1848 and 1851, profoundly disturbing their aboriginal patterns.

What Indians remained were forced out of necessity to acquiesce to the new ways, as their hunting and fishing grounds were often decimated by the miners, whose restless surge muddied the waters and chased off the game that formed the Indian's livelihood.

It is remarkable indeed that any Native Americans in California have retained their cultural identity.

From the standpoint of attaining federal recognition, it is important to consider that the Indians of California were denied the assimilation period that Indians further east won through treaties and warfare against an often overwhelmed foe, who was forced to make peace through the necessity of survival. The Indian tribes became adept at dealing with this new entity, and established a detailed history through their dealings.

The early history of white men in the Kern Valley region is the history of the California Gold Rush. The Indians lost their deeply rooted aboriginal culture and highly formalized style of life in less than a decade. They had not the luxury, despite the Spanish occupation of coastal areas, of several centuries of gradual accommodation. The Indians of California, as Kroeber witnessed, dissipated into rancherias and government schools and became wards of the state. They had no opportunity to form a body politic with the consequential, continuous history that the level of organization common to eastern tribes entails.

I became involved with the acknowledgment process one year ago, at the request of Ron Wermuth, chairman of the Kern River Valley Indian Council. But as a full-time reporter for the local news organ, I have neither the time nor resources to fully research for the necessary documents for acknowledgment, most of which would be in scattered repositories throughout California and Washington, D.C. and at various Forest Service and Bureau of Land Management archives.

Professional researchers charge an average of $100 a day, regardless of results, and the cost of documenting a petition to the satisfaction of the acknowledgment staff could run into the tens of thousands of dollars. The Kern River Valley Indian community depends on the goodwill of local volunteers such as myself, most of whom can devote little time to the endeavor.

Testimony at the May 26, 1988 hearing by Hazel Elbert, Deputy to the Asst. Secretary of Indian Affairs, confirmed that the present system is cumbersome, expensive and inefficient. 14 petitioners have been denied and 7 have been acknowledged, but of the remaining 83, she said, 57 haven't submitted a petition. This after ten years. While she defended the necessity of the stringent requirements, it has a dismal record of recognizing tribes. These tribes have acted in good faith throughout the petitioning period since 1978. Many of the tribes formed councils for the purpose of federal recognition, including the Kern Valley Indian Council, and their earnest momentum is dwindling through constant encounters with bureaucratic roadblocks.

As my testimony, I would like to express the difficulty of documenting certain sections of Part 54, Title Code 25 for a petition, and how it could take years for the relatively small, 350 member Kern River Valley Indian Council to submit a petition under the current requirements.

54.7(a). *A statement of facts establishing that the petitioner has been identified from historical times until the present on a substantially continuous basis, as "American Indian," or "aboriginal." A petitioner shall not fail to satisfy any criteria herein merely because of fluctuations of tribal activity during various years.*

Due to the fluid, exogamous nature of tribal society before and after the advent of white men, the Kern Valley Indian group has never had a documented leadership. Certain elders have been regarded as "chiefs" or "capos," but their titles are usually a sign of respect. Since the deluge of miners in the mid-1850s, most Indians, while continuing to form a community distinct from the surrounding white men, haven't had a organized body with which to deal with various governments. They worked the ranches, the mines, while continuing to associate with each other in a distinct society, but had no central reservation government or spokesperson to deal with government entities, be it the Kern County Board of Supervisors, the State of California, the Bureau of Indian Affairs or the U.S. Forest Service. It is only recently, through the efforts of the present council, which was formed in 1978 to meet the requirements of the acknowledgment process, that they have an organized body with which to deal with government agencies. The only way to meet this requirement would be through anecdotal affavidats from long-time residents. The acknowledgment staff has said that affidavits are only acceptable as a last resort, and would reflect unfavorably on the integrity of the petition as a whole.

54.7(a)1 - 7: These requests for repeated identifications fail to consider that the Indians of California generally lived in small family bands, with tribal ties being a necessity only for large food-gathering efforts. Hence, while many may live in the same area and consider themselves part of the same Indian community, they have not the historical precedent for large tribal organizations that would generate the needed documentation. When their populations were ravaged during the late 1800s, from as high as 150,000 to less than 20,000 in 1910 as witnessed by A.L. Kroeber, many formerly strong tribal associations dissolved for lack of members. According to the 1860 Tulare County census, there were 549 male Indians over the age of 21 in the Kern River Valley. By the 1870 census, their numbers, including women and children, dropped to 100. This was due in part to a tragic massacre by the U.S. Cavalry which claimed the lives of 35 males. The few remaining Indians saw that their only chance of survival was to blend in with the white population. But to speak the individual members of the community, there is no doubt that have continued to maintain their tribal character.

About the only requirement that would be easy to document is 54.7(a)(5) - *Identification as an Indian entity by anthropologists, historians or other scholars.* There are no less than 24 accreditated sources, including the exhaustive field work of Charles and Erminie Voegelin during the early 1930s, that would be suitable for this section. The Indians of the Kern River Valley are of interest to scholars because they were the furthest west Shoshonean-speaking tribe and lived in an area of transition from the Great Basin deserts to the Central Valley, from the pinon-nut eaters to the acorn eaters. The aboriginal tribe, the Tubatulabal, have great antiquity in the region, with dated artifacts and petroglyphs going back 3,000 years. Many of there descendants still live there today. They were one of only a few groups that used both the pinon nut and acorn as staple crops. The area also fostered the exchange of ideas from tribe to tribe, as they lived near Walker Pass, the most accessible route across the Sierra Nevadas for hundreds of miles north or south. Their pottery has similarities to that of the Aztecs, and they received trade goods, including Russian and Hudson Bay beads, from thousands of miles away.

The Indians of the Kern River Valley and of California have quietly regained their numbers and re-established their sense of identity. Their efforts should not be penalized because of lapses in the chronology of their documentation. That they are a distinct community, deserving of special contractual arrangement with the government of the United States, is a fact known to all members of the community. But it is a fact they are unable to prove to the satisfaction of the acknowledgment staff.

Senate Bill 611 would greatly enhance their prospects, and would encourage the growing sense of pride that the Indians of the Kern River Valley area feel about their identity as Native Americans. Their acknowledgment would have every conceivable benefit to both parties, and no foreseeable drawbacks. Most importantly, it would show the Indians, many of whom are veterans, good faith on the part of the United States to right past wrongs.

Bret R. Bradigan

BRET BRADIGAN

CALIFORNIA RURAL INDIAN HEALTH BOARD, INC.
2020 Hurley Way, Suite 155, Sacramento, CA 95825, (916) 929-9761

TESTIMONY

CALIFORNIA RURAL INDIAN HEALTH BOARD

BEFORE THE SENATE SELECT COMMITTEE ON INDIAN AFFAIRS

SACRAMENTO, CALIFORNIA

APRIL 28, 1989

Senator Inouye and honored guests my name is Dennis Hendricks Sr. I am a member of the Tuolumne Band of Miwok Indians and Chairman of the California Rural Indian Health Board.

California Rural Indian Health Board was established almost twenty years ago by a consortium of tribes to provide health care services to Indian people in California. This past year, in part through your leadership Congress passed two major pieces of Indian legislation: the Indian Self Determination Act (PL 100-472) and the Indian Health Care Amendments of 1988 (PL 100-713). Both of these pieces of legislation will bring about significant improvements in the health and welfare of tribal people in California. There are still a great number of things that Congress needs to do if the promise of this important legislation is to be achieved.

I. SENATE BILL 611

Early this session you introduced Senate Bill 611 to address problems confronting Indian tribes as they seek federal recognition. The current recognition process administered by the Bureau of Indian Affairs is clearly so slow and so costly that it works undue hardships on tribal groups who must negotiate that process if they are to claim their hereditary rights. We therefor support your effort to streamline and rationalize the process of federal Tribal recognition.

In California there are a great number of tribal groups who are seeking tribal recognition. Some of these groups have completed applications on file with the Bureau and some are still in the initial stages of preparing an application. All of these groups consist of individuals which could be termed "Indians of California". These Indians were made eligibile for services from the Indian Health Service when the IHS returned to California through a line item appropriation to CRIHB by Congress in FY 1973. That action has been generally understood as establishing 37 mostly rural counties as official "Indian Country" in California. Those counties and the Indians of California residing in them were identified in PL 100-472 as eligible for IHS direct and contract health care services in

California. For this reason federal recognition of additional tribes in California will have almost no impact on the level of services available to Indian people within the state.

There are however significant benefits to be gained through proper federal recognition. Most importantly, it would authorize for the first time, the establishment of government to government relations with all of the Indians of California, finally fulfilling a promise the United States made to California Indians one hundred and forty years ago when federal Indian Agents signed treaties with the Tribes of California but the Senate failed to ratify them after the discovery of gold on lands ceded to those Tribes. Only after the establishment of Tribal governments can the Indian people of California exercise the political and economic self determination promised in PL 93-638 and related federal policies.

All IHS funded health care services in California are provided through Indian Self Determination Contracts or Buy Indian Contracts. Over the years and particularly since the recent amendments to the Indian Self Determination Act, the advantages of PL 93-638 contracting over Buy Indian Contracting have greatly increased. To obtain those benefits Indian controlled health care consortiums, including CRIHB, have had to restructure their governing boards. This restructuring has had the adverse impact of restricting participation of Indians of California who were members of unrecognized tribes from participating in the governance of their local health projects. Federal recognition for the currently unrecognized will enfranchise those people and allow them full participation in the governance of their local health program either as individual tribes or through a tribal consortia. There are a number of sections of SB 611 which are particularly attractive to Indians of California. The special status given to terminated Indians would speed the application process for many groups in California. The establishment of meaningful time lines and a workable administrative review process are all improvements over the current system. SB 611 directly addresses a root problem in California Indian affairs which has significant negative social welfare impacts.

II. INDIAN HEALTH CARE IMPROVEMENT FUND

CRIHB today also seeks your support for full funding of the Indian Health Care Improvement Fund (IHCIF) which was recently established by Congress in the Indian Health Care Amendments of 1988. This fund is specifically designed to address the historic underfunding of certain Service Units within the IHS system. Existing IHS planning methodology documents a $447,000,000 shortfall in IHS funding which currently equals $1.1 billion. The IHCIF would allow Congress to address this shortfall by providing new reoccuring base funding to those Service Units and Tribal Contractors which are the least well funded. This fund is only a partial answer to the IHS funding shortfall as it will distribute at most only $58,000,000 over a three year period. It does however have the advantage of enabling Congress to target increased funding to those programs most in need. The IHS funding shortfall in California is documented at $45,000,000 yet through a fully funded IHCIF we can only expect to obtain a little over $10,000,000 in new program base funding. This amount would merely bring programs in California up to parity with the average non California IHS program. We hope you, as a senior member of the Appropriations Committee in the Senate, will work with us to achieve this modest improvement.

There are a large number of initiatives within the Indian Health Care Amendments that also deserve your support. If Congress fully funds the IHCIF then additionally we would urge your support for Title I initiatives that address the retention of health professionals that are currently serving the Indian community. Support should also be given to increasing existing and establishing new and innovative ways to increase the number of Indian people trained in the health professions. Also deserving of your support are the funds necessary to establish and support an electronic data management system throughout the California Area. This initiative would greatly improve the Tribal management of IHS resources, improve communication between those programs and the IHS and facilitate additional Tribal contracting within the IHS system. In today's information age the underfunding of Tribal information management systems by the IHS has a debilitating impact on the ability of those programs to self determine their own future.

There are a number of serious problems which confront tribes in California which we would like to address to you. Solutions to these problems would have significant impacts on the health and well being of Indian people of this state. We recognize that a comprehensive health care delivery system is only one component of a larger system necessary to improve the health status of Indian people. SB 611 addresses the fundamental unit of Indian organization ....the tribe. We would urge you to also address the needs of tribes, especially small tribes, once they are established.

III. TRIBAL ECONOMIC DEVELOPMENT

Well employed people are more healthy than those who are unemployed or underemployed. We urge you to support increased funding for Tribal economic development. This should be done not only by increasing the number of grants available to Tribes but also by increasing the sources of loan funds available to tribes. To develop economically, tribes must be responsive to the economic environment in which they exist. Currently, Tribal responsiveness is limited by the inability of the Bureau of Indian Affairs to meet its own established timelines for the approval of joint ventures, Tribal documents and ordinances. The lack of timeliness by the BIA affects how tribes do business in a very fundamental way. The solution to this problem may not be simply more staff but perhaps better utilization of the staff now in place.

Tribal economic development as well as the function of governance

Senator Daniel Inouye, Chairman
U.S. Senate Select Committee on Indian Affairs
SH-Senate Office Building
Washington, D.C. 20510

Dear Senator Inouye and Committee Members:

I was born and raised in Yosemite National Park, California. My dad is Chuchansi/Miwok, my mother is Pima/Papago.

I have been involved with the American Indian Council of Mariposa County in many ways which include being a member, a participant in fund raising events and participating in religious ceremonies.

Since the Council was formed some good things have happened.

It brought people together to share thoughts, reminisce and just enjoy one anothers company.

The Council has established a rapport with various branches of government locally, statewide and with some departments in Washington, D.C.

As an organization the Council has through other Indian organizations received some benefits in ways of technical assistance, some medical and dental services for the Indian community, but even then that does not cover all the benefits that other federally recognized tribes receive.

We have continually through the years run up against a solid wall. We are the only group of people who has to justify their ethnicity. Other foreign groups can come the the United States be recognized by the federal government as citizens and receive benefits in a short while and be comfortable the remainder of their lives.

The Federal Government through the years has been very cunning in dealing with the first people here in this continent, known today as the United States.

The Bill S.611 looks to me as a good start and with the good gracious of the Great Spirit this bill will be expedited as soon as possible in order that we as Indian people can and will help one another so that we will be able to make life a little easier for all Indian people, especially our elders.

Senator Inouye I would like to thank you for all the support that you have given us and please continue to do so.

I thank you for giving me this opportunity today.

Respectfully yours,

John James

John James
P.O. Box 273
El Portal, California 95318

TESTIMONY OF ALVIS JOHNSON, CHAIRMAN, KARUK TRIBE OF CALIFORNIA BEFORE THE SENATE SELECT COMMITTEE ON INDIAN AFFAIRS

SACRAMENTO, CALIFORNIA
APRIL 28, 1989

I am Alivs Johnson, Chairman of the Karuk Tribe of California. On behalf of my Tribe and my people, I want to thank the Committee for permitting me to appear and testify here today regarding issues of concern to my people.

Senate Bill 611

I understand you received testimony on Senate Bill 611 this morning, nevertheless, I want to briefly state that while we support the intent of the Bill we are fearful it could create problems for our Tribe.

Section 7 (2) (A) prevents splinter groups, political factions, communities and groups of any character from seeking federal recognition under the Act unless such group can demonstrate that it has functioned from historical times until the present as an autonomous entity.

Section 4 (10) (D) states that the unratified treaties of California can be used as evidence of a groups existance as a separate entity.

The unratified treaty our ancestor's signed on October 6th and October 12th, 1851, was signed by nineteen leaders from ten distinct Tribes or Bands which were treated as separate entities by the federal government.

While we are one Tribe today with one Tribal Government, many of our people continue to identify with the historical Bands located along the Klamath and Salmon Rivers, and they and their ancestors have always done so.

Agruably, these groups who may from time to time become disenchanted with our central government could withdraw from Tribal membership, and petition to become federally recognized as separate Indian entities. We see no benefit to be derived from such a possibility.

We would like to see Section 7 (A) (2) specifically exclude California groups, tribes or bands who have become members of, or associated or affiliated with a federally recognized Tribe from withdrawing from such membership, association or affiliation for the purposes of seeking recognition under the provisions of the Act.

Indian Child Welfare

I would like to now address a most major concern of my people; Indian Child Welfare Act funding, or what we perceive as a crisis in Indian Child Welfare Act Funding.

Our children and our families are our future. They are also an important part of your future. The Karuk Tribe supports the concepts and purposes of the Indian Child Welfare Act, and we hold as a primary goal assisting our children who find themselves separated from their family, and the reunification of all Karuk Indian families.

This year not a single northern California Tribal Indian Child Welfare Program was funded. All of our grant applications were denied. This is a very serious, if not outrageous, breach of trust by the federal government.

This situation must be remedied, and Congress must ensure that future Indian Child Welfare funding is sufficient to assist all Tribes who have the ability to develop Indian Child Welfare Programs. The Circle Shall Continue!

P.L. 93-638 Amendments, Indian Self-Determination

Public Law 93-638 Amendment regulations are taking too long to draft and implement. Tribes are ready to go forward with 638 contracting. Both the Bureau of Indian Affairs and Indian Health Services should be instructed by Congress to make 638 implementation regulations their number One priority.

Public Law 100-580, The Hoopa-Yurok Settlement Act.

Gentlemen, as you know, the Karuk Tribe did not support PL 100-580 because it did not address our reservation rights other than to terminate them. We want Congress to address those rights which were taken from us.

There are some who have been known to talk about 25 years of litigation as though it were something to be proud of. We are not at all excited about being one year in litigation, let alone 25 years.

Litigation represents people failure; usually the failure of people to communicate and to compromise. We believe that the new Administration and Congress are mandating that Indian claims and controversies be resolved without resorting to litigation.

Toward that end, and in good faith, we seek a legislative solution to what amounted to a termination of our reservation rights when President Reagan signed the Hoopa-Yurok Settlement Act into law on October 31, 1988.

In order to work toward a legislative solution we must ask Congress to amend Section 14 (b) (1) of PL 100-580, to exempt the Karuk Tribe from the statute of limitations for making a claim in the United States Claims Court. We ask the Members of the Committee to support this request.

While we were in Washington D.C. last year dealing with P.L. 100-580, your Committee Counsel, along with Senator Cranston's staff, suggested that Karuk reservation rights could be best addressed after the completion of a Congressionally authorized and funded study of the issues. We were reluctant to agree to the study which was proposed because it did not have any teeth in it. In other words, the study proposal did not provide assurances that we would end up with anything other than the passage of time and another bound volume called a study.

The Karuk Tribe is willing to forgo litigation over PL 100-580 if we had legislation requiring a federally funded study followed by (1) the establishment of a reservation land base within our historical territory, and (2) federal recognition of our hunting and fishing rights within our territory.

The waiver of the statute of limitations, and the study with teeth in it as I have suggested, would have to be dealt with together. I respectfully request that the Committee support our efforts in this regard.

While today is a day of celebration for some of our brothers and sisters in northern California, please know that it is a minority celebration. The majority of us continue with heavy hearts, and we are worried about our future.

We want to go forward. We need your support of our legislative solution as I have proposed. One of our Nation's great warrior allies, Sir Winston Churchill, in speaking to his people during World War II, said ..."this is not the beginning of the end, but the end of the beginning."

Gentlemen, I ask, why can this not be the end of the beginning of an answer to the 138 years of neglect and abuse of the lawful rights of the Karuk people.

Once again I thank you for allowing me to address you on a government to government basis on behalf of my people.

J.611

Northern Valley Indian Health, Inc.

2167 Montgomery Street
Oroville, California 95965

Administration: 534-8440
Dental Office: 534-7465
Medical Clinic: 533-0770

April 26, 1989

Testimony before Honorable Senator Daniel K. Inouye, Chairman Senate Select Committee on Indian Affairs, Oversight Field Hearing on Federal Acknowledgment Process (FAP) and other Native American concerns:

Honorable Chairman Daniel K. Inouye, my name is Gerald Kane, Executive Director for Northern Valley Indian Health, Inc., funded by the Federal Indian Health Service for the last eighteen (18) years. Our program is the only service area that encompasses an eight-county service area, with an estimated 10,000 Native Americans living in the service area. The program has developed, considerably, over the last ten (10) year period.

California health programs have been organized by the California Indian Community, where the other Indian Health Service area programs outside of California have been government-created. Indian Health Service administers most health services outside of California. This makes California unique compared to other IHS area offices.

From the nine (9) demonstration projects created in 1969, the program has increased to twenty-one (21) rural tribal contractors and eight (8) urban programs. Over 700 employees are employed, with a total budget of 37 million for fiscal year 1989.

The issue of the Native American population in California has not been fully addressed. Hopefully, the 1990 census will record the true Native American population census, both on and off the reservations and urban areas factual count.

California is receiving less than half the financial resources that other service areas receive with comparable Native American population figures in their respective states. The famous Rincon Equity law-suit was not fully implemented by Indian Health Service, California has not been brought up to ten (10) other Indian Health Service areas of the country.

Serving Eight Counties

Congress can no longer ignore California Indian problems whether it be health, education, welfare, land bases, unratified treaties, etc. I, along with many other California Indians, appreciate your personal concerns, along with the Senate Select Committee members and your staff holding Oversight Field Hearings in California. Last June 30, 1988 Senate Select Field Hearing in these same Sacramento County supervisor's chambers, resulted in today's Oversight Field Hearing. Today, Mr. Chairman, I want to point out that two Oversight Field Hearings in California within eleven (11) months is a significant milestone, but our goal and mission has just begun, there has not been any statewide consolidated California Indian effort since the Indian claims Commission of the 1940's.

I will attempt to paraphrase the point that I want to make. Concerns that you have taken by written or oral testimony have represented a minute part of the over-all California Indian concerns. A tremendous amount of emphasis has been placed on our poor health conditions. California Indians responded by forming health boards and consortiums. Meanwhile, the Bureau of Indian Affairs continues to cut back on BIA higher education grants. Higher education grants are needed to train and educate professional and para-professional Indian people for our health centers, tribal programs, Indian organizations and to create role models. The Bureau of Indian Affairs, nationally, are looking at seventeen (17) percent cut in funds. We, in California, are just beginning to understand the P.L.93-638 amended to P.L.100-472. There has been, both BIA and IHS, resistance in California to fully implement the Indian Self-Determination Act. In fact, many California tribes believe P.L.93-638 is a new law.

I would hope my comments will give the special Oversight Field Hearing today, some insight into the very diverse set of circumstances that has gone unresolved and side-stepped by Congress.

Hopefully, the vast complexities of our unresolved California Indian issues stated here today, necessitates future Oversight Field Hearings in California by the Honorable Daniel K. Inouye, Chairman Senate Select Committee.

Thank you, Honorable Senator Daniel K. Inouye for hearing from California Indian people.

Sacramento Field Hearings

April 29, 1989

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TESTIMONY OF
WINTUN INDIAN RANCHERIA PANEL
RUMSEY INDIAN RANCHERIA
COLUSA INDIAN RANCHERIA
CORTINA INDIAN RANCHERIA
TO SENATE SELECT COMMITTEE ON INDIAN AFFAIRS ON SPECIAL PROBLEMS OF CALIFORNIA INDIAN TRIBES

****

Mr. Chairman and members of the Committee -- my name is Philip Knight. I am Chairman of the Rumsey Indian Rancheria. With me are Mary Norton, Chairman of the Cortina Indian Rancheria, and Rick Mitchum, Chairman of the Colusa Indian Rancheria.

Our three rancherias are in rural Yolo and Colusa counties. Each of our rancherias have memberships of less than one hundred. Our members are Wintun Indian people. Before the Gold Rush, our people numbered some 30,000. We lived in villages along the rivers of the Sacramento Valley and the foothills of the Coastal Range from Sacramento in the South to Shasta in the North.

We were organized along village lines with a "headman," but our people also comprised a loose political and cultural unit for thousands of years and we met regularly for spiritual, cultural and community planning ceremonies in Roundhouses up and down the Valley.

The majority of our people perished in the 19th century as a result of new diseases introduced by the white man, forced labor by the Spanish, murder by gold hungry pioneers along the Sacramento River, the federal government's failure to provide us with the food, resources and land we were promised in the unratified treaties of the 1850's and by forced migrations to other areas in the State.

Earlier in this Century, the Government decided to recognize a few of our homeless and landless people in the form of small rancherias. Agents from the Indian Bureau came out from Washington and picked certain people for membership without any apparent reason to distinguish some for others. Usually, it was dependent on who happened to be nearby at the time the agent was there. No regard was paid to historical relationships or traditional forms of organization. This failure to recognize many of our people and splitting the rest of us up arbitrarily has led to the problems S.611 is designed to solve and caused confusion about membership.

Since the recognition of our Rancherias, we have each grown in different ways and our individual identities are now important to us. We have some common problems and some individual problems. Each of us will address very briefly our own Rancheria's most important problems.

COMMON PROBLEMS

1. Law and Order on Reservations.

In 1953, Public Law 280 gave jurisdiction on our lands to the State of California for all disputes and criminal matters.

This intrusion has made it very difficult for us to control our lives and to build tribal institutions and perform normal governmental functions like Indian tribes elsewhere in the Country.

We have no way to settle disputes among our members legally except by going to state courts who are not interested in or understanding of our differences, our constitution, or our special legal status. We also have no enforcement powers to command respect for our institutions and we don't qualify for most categories of tribal funding because of our limited functions. Serious consideration should be given to the repeal or modification of P.L. 280.

2. Small Tribal Problems.

Partly because of P.L. 280 and partly because of our small size, it is difficult for us to qualify for facility, education, tribal governmental and P.L. 93-638 funding, especially when it is on a competitive basis. Similarly, our Indian health services are at a clinic far from our rancheria. It is expensive to travel there and makes it difficult to take advantage of the services.

We would like to see set asides in each budget category of BIA and IHS for very small tribes of less than 100 members so that we can compete equally and receive our fair share of contract and grant money.

These are the most important common problems facing our members right now. We would be happy to work with the Committee to develop legislative solutions to these problems. Our continued survival as a people depends on it.

Rumsey Indian Rancheria

1. HUD Housing.

In 1984, HUD built twelve mutual help housing units on the Rancheria. The monthly payments on these units started out at a reasonable rate but continue to escalate so that we are paying more now than people can afford. Some of us may have to move out and leave the Rancheria because of these policies.

HUD regulations should be amended to provide for fixed payments so that we have an incentive to earn more money and not have to pay it out in increased payments. Payments should be subject to tribal control.

2. Land Sale.

The Bureau of Indian Affairs continues to maintain jurisdiction over our purchase of new lands in ways that make it almost impossible to buy and sell it without an Act of Congress.

Because we have so little land and the resources on the Rancheria are so limited, it is imperative that we have more freedom to buy and sell. Our Rancheria, for example, owns some land in fee in Nevada that we don't want and is costing us money. We have had offers on it in excess of $100,000. We need to sell it but the title company won't give insurance to the buyer because an Act of Congress is needed for an Indian tribe to sell land. This is an interference with our sovereignty and freedom.

Colusa Indian Rancheria

Membership Problems

Ever since the termination period in the 1950's, we have had problems controlling our land and membership.

Sometimes the BIA claimed power to determine our members, other times they refused to do so. There were so many inconsistent decisions on membership, most of them different from what our tribal government wanted, that we ended up in federal court twice and state court twice over a ten year period before the issues were resolved. This was done at great expense and caused bad feelings and violence on the rancheria.

The heart of this problem is the question oi who California rancherias were set aside for, whether membership is part of our sovereign rights, and whether we can change our own constitution to reflect changes in our society. For example, our constitution provides that members must live on the reservation even though there were few jobs there. We tried to amend the constitution six years ago, but the request is still awaiting BIA action.

Cortina Indian Rancheria

Our Rancheria is located on lands that are not suitable for commercial development or residential living. The water is not drinkable. There is almost no flat land.

We are in the process of trying to acquire new adjacent lands for economic development in the form of a co-generation plant, incinerator and landfill. When we meet with the BIA to help us develop this project, they tell us it might not be possible to acquire the land in trust because of a "moratorium" even though the land owner has agreed to it. The BIA has no funds to help fund an environmental impact process. It seems like they don't want us to become independent and yet our remote location, small size and lack of resources make it impossible for us to succeed without their help.

rumsey.tes

QUARTZ VALLEY
INDIAN RESERVATION

TELEPHONE (916) 467-3307
467-5409

Tribal Office
P.O. BOX 737 ETNA, CALIFORNIA 96027

IF CALIFORNIA INDIAN LEGAL SERVICE WOULD OF QUESTION, WHAT THE BUREAU OF THE INDIAN AFFAIRS DID WHEN THEY TERMINATED THE QUARTZ VALLEY INDIAN RESERVATION USING THE HOUSE CON-CURRENT RESOLUTION 108 IN 1958-1963. EVEN THOUGH TEMINATION WAS VOLUNTARY, QUARTZ VALLEY INDIAN RESERVATION, REQUESTED PROOF OF THIS LAW AND NEVER RECEIVED IT AT THE TIME OF TERMINATION, WE STRONGLY BELIEVE, CALIFORNIA INDIAN LEGAL SERVICE AND THE BUREAU OF INDIAN AFFAIRS OPERATED TOGETHER, IN LEADING THE INDIANS TO BELIEVE HOUSE CON-CURRENT RESOLUTION 108 WAS A LAW, WHEN IN FACT, IT WAS A "POLICY OF STATEMENT". QUARTZ VALLEY INDIAN RESERVATION WAS ILLEGALLY TERMINATED, AND WE, FEEL THAT, THE FEDERAL GOVERNMENT SHOULD REINSTATE THE INDIANS THEIR LANDS, FOR ALL THE INJUSTICE THAT WAS DONE.

QUARTZ VALLEY INDIANS BELIEVE IF THE TRUTH WAS TOLD FROM THE BEGINNING, TERMINATION WOULDN'T OF EXISTED.

QUARTZ VALLEY
INDIAN RESERVATION

TELEPHONE (916) 467-3307
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P.O. BOX 737 ETNA, CALIFORNIA 96027

SUMMARY:

Today, April 28, 1989, the U.S. Senate Select Committee on Indian Affairs has called a hearing on acknowledgement of various tribes in California. We, as members of Quartz Valley Indian Reservation must request that the acknowledgement process must first recognize and rectify the unlawful actions against 18 Rancherias in the state of California, which has, in the case of Quartz Valley Reservation, left us totally landless and in debt. The following is a brief history of the events leading to the loss of our land and the debts we have incurred in trying to get it back.

1934 Quartz Valley Indian Reservation was established. A Constitution and By-Laws, written by the Bureau Of Indian Affairs, were given to the reservation to follow. The Reservation was required to accept this constitution which was written for them. The constitution required much supervision by the B.I.A., and it required that the Department of Interior comply with it and the decisions made.

1953 House Concurrent Resolution 108 (Termination Act) was passed. Five years elapsed before Quartz Valley Reservation was informed.

1958 Quartz Valley Indian Reservation was informed that the B.I.A. is dissolving and that Indians will have no more representation in U.S. Government. Termination was recommended to them and the Reservation chose to accept termination based on the information given to them.

1961 Termination was accomplished under the B.I.A. Quartz Valley Reservation's Constitution remained in effect until the end. Therefore, all actions later declared unlawful in the termination process were illegal proceedings toward an active Indian reservation.

1958-1961	A road under request by the Reservation was finally completed. However, money used by the B.I.A. for the construction was federal money designated to be distributed by the B.I.A. for payment of Reservation member's medical bills.
1963	Deeds and Title to the land were given to individual reservation members with committments from the B.I.A. that all land and housing would be brought up to county housing standards. This promise was never fulfilled.
1963-1965	Many Reservation members lost their land due to medical bills and other debts incurred before their termination. Many had no knowledge of money slated for medical payment being used to build the road. Most land was given over for much less than its value.

Quartz Valley Indian Reservation
SUMMARY (Page 3)

1965 - on	More Reservation members lost their land because of default on taxes, or they were forced to sell due to other debts. Some lost land because of welfare debts. By 1983, less than 90 acres of the original reservation land remained in Indian hands.
1983	Tillie Hardwick court decision declared termination unlawful The original constitution of Quartz Valley Reservation was, therefore, still operative.
1983-1988	Quartz Valley Indians sought assistance from the Bureau of Indian Affairs to become re-established. They were advised that they could form a Rancheria, and they took steps to do so, but never properly ratified a constitution. Quartz Valley Indians were given self-determination money through the B.I.A., and they began some re-forestation contracts with the U.S. Forest Service on lands near the Reservation boundaries. Ill-informed about their position, the Quartz Valley Indians made contracts and attempted to raise funds without the B.I.A. supervision required in the original constitution. Due to forest fires, Quartz Valley Indians were unable to complete the reforestation contract at the low bid they had given, and the U.S. Forest Service did not honor the Quartz Valley Indians' request to work on the fires. Uninformed about alternatives and their legal position, Quartz Valley Indians went into serious debt for employment taxes with the Internal Revenue Service. Although Quartz Valley began a repayment plan, the I.R.S. proceeded to levy all monies, most of which were federal grant monies.
1986 (April 28)	President Reagan signed P.L. 100-297, repudiating House Concurrent Resolution 108 and any policy of unilateral termination of Federal relations with any Indian Nation. Consequently, Quartz Valley Indians begin to seek the re-establishment of the Quartz Valley Reservation.
1988 (Nov. 3)	Verification that the original Quartz Valley Reservation constitution was still operative was received by Quartz Valley Indians from the B.I.A. in Washington, D.C.
1989 (March 16)	U.S. District Judge Williams granted restoration of the entire original exterior boundaries of the Quartz Valley Indian Reservation.
1989 (March)	Quartz Valley Indian Reservation representatives visited the U.S. Senate Select Committee on Indian Affairs in Washington, D.C., and presented a documentation of the Reservation's problems to the staff.

Quartz Valley Indian Reservation seeks help to restore the reservation.

TESTIMONY OF THE TOYON WINTU-CENTER INC.
BEFORE THE
U.S. SENATE SELECT COMMITTEE ON INDIAN AFFAIRS
State Capitol, Sacramento, California
April 28, 1989

Mr. Chairman and Members:

I am the Chairperson of the Toyon Wintu Center, Inc. which is located in Central Valley, California. The Toyon Wintu Center represents Wintu tribal members (1980 census indicates 1619 Wintu people).

The members of the Wintu Tribe are in a state of emergency. Over the past years, Wintu Indians believed they were recognized as Indians and as an unorganized Tribe. Several examples of this recognition include: issuance of an indefinite Use Permit; individual land allotments; use of 61 acres for the Toyon Wintu Center, Inc.; grants from the BIA higher educational scholarships; permission to use the ceremonial lands under the Religious Freedom Act; protection under the Indian Child Welfare Act; and inclusion in rancherias which had been set up for homeless Indian people.

In 1984 the Use Permit was revoked because we were "not an Indian tribe." No one knows when we stopped being Indians. Redefining us as non-Indian does not make us disappear. We continue to need health services and housing both of which have been denied the Wintu people. The decision to exclude services has had immediate, serious, and continuing consequences. We are in the process of applying for federal recognition, but we have immediate needs. We believe that BIA services should continue while the petition for federal recognition is being processed . Regardless of federal recognition, Indian tribes and the U.S. have special treaty relations which should be honored. In 1978 we were allowed to petition the U.S. government for federal recognition status. At that time, no one felt that we needed to do so because we were receiving the needed services. When laws limiting certain activities have been enacted against Indian people (e.g., no drinking), they have been applied to non-federally recognized as well as federally recognized tribes. Now, the Indian Religious Freedom Act, the Indian Child Welfare Act, and others no longer work for the benefit of non-federally recognized tribes. This is inconsistent and unfair. We're still Indians; we're still a tribe. By not providing these basic services, the BIA contributes to cultural genocide.

The litigation between the Toyon Wintu Center, Inc. vs. the Bureau of Indian Affairs has been an ongoing struggle. The fact that the BIA has given us time to apply for federal recognition suggests that they are conceding that we are, indeed, Indians. Yet they deny all accompanying services.

Bill S.611 is not designed to meet the needs of California Indians and their special circumstances. As noted on page 3 the U.S. has "trust responsibilities to *Indians*" (ll.9-10) rather than to tribes. In California all the treaties that were made were unratified. By "treaty" (p.5, ll.20-23) do you mean ratified or unratified or both? Another important concern is the definition of "experts." On page 9 (ll.20-23) the bill states: "The individuals placed on the list described in paragraph (1) shall be experienced scholars in anthropology and the history of the United States who have established national reputations." As well as "experienced scholars in anthropology" and U.S. history, Indian people themselves should be included. We have a right to identify ourselves. In addition, Indian people should have the right to define their own forms of self-government which will not be subject to the Secretary of the Interior.

On page 20 (ll.7-10), the process of appealing a negative ruling on federal recognition is described: "If not challenged by the petitioner or an interested party within the time provided for comment, the preliminary ruling on the petition shall become final and shall not be subject to judicial review." Does this mean that the individual or the tribe can never petition again? Just as strange are the deadlines for the Panel and the Secretary which grant the petitioner federal recognition if they are one day late in responding (pp.23-24, ll. 24-24, 1-4).

As well as the issues above, we are concerned with the potential exorbitant costs of this bill. Because of fees for the "experts" on Indians and for their extensive research, the price of this endeavor would be too high. In addition, since the index reflects less than 25% of what is in the archives, researchers need a system to gain full access to all of the documents. One suggestion is that a master index, set up for California Indians, be made available for the petitioners. Furthermore, a master index of *all* documents (including those in Washington, D.C.) should be made available.

Mr. Chairman and Members,

Clearly, we are in definite need for a bill which outlines, clarifies, and accelerates the process of achieving federal tribal recognition. Although S.611 begins to do that, it does not incorporate the needs of California tribes. We support S.611 in general, but we recommend an addendum that addresses the unique circumstances of California Indians. More importantly, we recommend that all California Indians be federally recognized as Indians and eligible for all services. Our very survival depends on the government meeting its fiduciary responsibilities to Indian people. We ask you for your support in remedying the federal recognition process.

Thank you for listening to these matters which are so crucial to California Indians.

SENATE SELECT COMMITTEE ON INDIAN AFFAIRS
ON SITE HEARING SACRAMENTO, CALIFORNIA
APRIL 28, 1989

MAY 4 1989

ALAN WALLACE
DECENDANT AUBURN RANCHERIA
BIA ROLL NUMBER 65955
511 MAIN #311
WOODLAND, CALIFORNIA, 95695

RE: ACQUISITION OF TRUST LANDS FOR HOMELESS INDIANS

IN THE EARLY 1900'S LAND WAS ACQUIRED FOR HOMELESS CALIFORNIA INDIANS. THE AUBURN, COLFAX AND NEVADA CITY RANCHERIAS WERE AMONG THEM. THE AUBURN SITE IS THE ONLY ONE WHICH STILL HAS INDIAN RESIDENTS.

MY MOTHER REMEMBERED ONE MAN OCCUPYING THE COLFAX SITE. SINCE THERE WAS NO WATER, HE DID NOT STAY LONG. I AM NOT SURE WHAT TOOK PLACE IN NEVADA CITY. THE AUBURN RANCHERIA HAD A WELL.

THE NEVADA CITY AND COLFAX PLACES WERE SOLD AND AS FAR AS I KNOW NO INDIANS BENEFITTED FROM THAT SALE. ON THE AUBURN RANCHERIA, PARCELS WERE DISTRIBUTED OF APPROXIMATELY TWO ACRES PER FAMILY. WITH THE "RANCHERIA ACT" AND "TERMINATION ACT" OF THE 1950'S, HEADS OF HOUSEHOLDS WERE GIVEN FEE SIMPLE TITLE TO THEIR PARCELS. HEADS

(ONE OF TWO PAGES)

OF HOUSEHOLDS AND DEPENDANTS WERE TERMINATED FROM B.IA. STATUS.

NOW MUCH OF THIS LAND DOES NOT BELONG TO INDIAN FAMILIES. IN THE LATE 1970'S, THE DEPENDANTS WERE REINSTATED TO BIA STATUS. THERE EXISTS A LARGE NUMBER OF FEDERALLY RECOGNIZED INDIANS WHO HAVE NO LAND BASE. THE LIST OF THE DEPENDANTS FROM THE TIME OF TERMINATION WAS LISTED IN THE *FEDERAL REGISTER*. THE LIST DOES NOT INCLUDE NEW GENERATIONS.

AT THE TIME OF THE ORIGINAL RANCHERIA INCEPTION, CALIFORNIA INDIANS LIVED IN THE FOOTHILLS AND SACRAMENTO AREA. NOT KNOWING WHAT CONDITIONS WERE LIKE DURING THAT TIME, ONE THING SEEMS CLEAR INDIGENOUS PEOPLE WERE HOMELESS AND HAVING A HARD TIME.

WITHOUT BEING JUDGENTAL OR BEATING A DEAD HORSE ON THE MERITS OF TERMINATION, TODAY THERE APPEARS TO BE A SIMILAR NEED FOR HOMES. IT WOULD NOT BE HARD TO LOOK UP THE LIST OF DECENDANTS FROM THE THREE RANCHERIAS AND THEIR VIEWS ALONG WITH THEIR ECONOMIC STATUS.

I AM A RENTER AND WOULD LIKE TO MOVE BACK TO MY HOME COUNTRY. NOT WANTING TO UNDUE OR AGGITATE PREVIOUS DECISIONS, THERE HAS BEEN PRECEDENT FOR THE FEDERAL GOVERNMENT TO ESTABLISH NEW LANDS NOT ADJACENT TO FORMER TRUST LANDS. I WOULD SUPPORT SUCH A DECISION.

(TWO OF TWO PAGES)

Native American Rights Fund
The National Indian Law Library
ANNOUNCEMENTS
Volume 1, No. 4
September 1972

California Indians—Double Genocide

> **Ignorance makes of a man**
> **a fearful animal whose**
> **response to alien eyes, skin**
> **color, dress, and custom**
> **is hostile, whose single**
> **impulse is to stamp out;**
> **to obliterate from sight**
> **and consciousness a world**
> **view that contravenes his own.**
>
> *Almost Ancestors —*
> *The First Californians*

In 1848, when the Treaty of Guadalupe-Hildalgo was signed at the conclusion of the Mexican War and California became a part of the United States, about 200,000 Indians occupied 90 per cent of the new state. By the turn of the century less than 20,000 had survived.

The Spaniards began the initial act of obliteration of the native culture with their missions and pyramidal society (Indians as the peon base and the conquerors as the aristocracy) as far back as 1769. Spanish missions were filled with Indians rounded up without reference to tribe, tongue or personal willingness. What the Spaniards did by this transposition was decimate the populations of whole tribes—they learned too late that Indians who were uprooted, enslaved and stripped of their cultural identity, chose death to life.

The Gold Rush brought an enormous influx of Anglo-Saxons who lacked even a discriminatory pyramidial vision for Indians. The settlers called the Indians "Diggers," and seeing them as scarcely human began to make slaves of them, to herd them like cattle to undesirable lands to let them die, and most of all to simply exterminate them. Being an Indian-killer was considered by many settlers to be an honorable profession.

The settler-conquerors are often remembered as brave adventurers, less often as ignorant racists. Their actions were not labeled as genocide until after the Second World War when the act of attempting to wipe out another culture finally bore on the collective conscience. The last surviving Indians are left with an unimaginable sense of loneliness. Identity can now be found only in their own person; their people, language, and culture are gone.

The Lost Treaties

After the Treaty of Guadalupe-Hildalgo, the U.S. Government sent three commissioners to California to negotiate with the Indians for their land. They started at the top of the state and when they finished they had 18 treaties. In them, the Indians had ceded 75 million acres to the United States, keeping only 8.5 million for themselves. The Indians were never told that the treaties had to be ratified by the Senate. They also did not know that the California legislature and governor argued vigorously that the treaties should not be ratified, but that rather the Indians should all be removed beyond the borders of the state. The stop what they considered to be an illegal and non-existant acceptance of their portion of the claim, the settlement was ratified.

Congress appropriated the $29 million and put it in trust. In 1968 a law was passed specifying how the monies were to be distributed, and since that time the Bureau of Indian Affairs has been in the process of determining who should be eligible to participate in the settlement.

California Indians For A Fair Settlement

Sometime in the next few months, the Bureau of Indian Affairs will distribute to the California Indians the proceeds of the California claims judgment. It is estimated that each California Indian will receive between $600 and $800, to be considered a final compensation for the seizure of the 75 million acres of land. Many California Indians feel that their acceptance of the award (which was the result of a compromise of the claim) was procured without their being aware of all the facts and implications. Many resent the roles of some of the claims attorneys who, the Indians allege, spent too much time arguing among themselves, and who seemed intent on a settlement of the claim.

Thus, many California Indians are reluctant to accept this payment. In addition to feeling that the award is inadequate payment for land itself, many people feel that they should be compensated for the genocide committed by the State of California and its citizens. In addition, many people would prefer to receive trust lands rather than money, for they do not wish to surrender their claims to the land.

On September 9, 1972, a group calling themselves "California Indians for a Fair Settlement" will be meeting in Sacramento to assess various alternatives to the settlement of this claim. Many are hopeful of going back to court to try to reopen the claims case. In addition to payment for the deaths, enslavement, and suffering of California Indians when the land was taken, they want a land base for those remaining survivors. Because they know the government will argue that the case cannot be reopened because the Indians have been paid for the land, they hope to join as a group and deposit their claims payments in a trust account either with the government or in a bank.

There are several reasons why Indians have been joining together in this effort. Some feel that they have no right to sell land; that it belongs to everyone. Others have joined because they know that California is worth much more than 47 cents an acre. Still others say that this payment is far too small considering that there is a risk that California Indians will lose all of their Indian benefits and because they believe the government must be made to pay for the sufferings of their ancestors.

For further information about **California Indians for a Fair Settlement** write to:

Joseph Carrillo
915 Capitol Mall, Room 309
Sacramento, California 95814

Public Law 280

> **Law is a continuously evolving phenomenon, intrinsically social in nature. These characteristics it shares with the consciousness of a culture.**

In 1953, as part of its general policy to terminate federal services to Indian tribes, Congress passed Public Law 280 which purported to give specific states, including California, civil and criminal jurisdiction over Indian tribes within their boundaries. The intended purpose of P.L. 280 was to facilitate the integration of Indians into the local and state structures which surrounded them.

Since the implementation of P.L. 280 in California 19 years ago, reservation Indians have had numerous difficulties with the "benefit" of being subject to the jurisdiction of local law enforcement agencies. Discrimination, brutality, and harrassment have been all too common when county and state officers have exercised jurisdiction upon Indian reservations. In numerous instances, police and sheriffs fail to respond in time of need, but have been all too willing and available to arrest Indian people for drunkenness, (actual or suspected), as well as for other petty infractions.

As repugnant as these excesses have been, the extension of the California penal code to reservation lands has not until recently been a significant threat to the remnants of Indian culture and life style. However, recently, local governments have begun to assert police power jurisdiction to an extent and in a manner which, if upheld by the federal courts, will assure the destruction of tribal sovereignty.

Unlike many western states, California has very few areas which are truly rural, except in the extreme northern part of the state. Particularly in southern California, reservations which may have been geographically isolated when established, are now being surrounded by urban or concentrated suburban development. As government attempts to regulate new land developments in previously undeveloped areas, attention is being directed to nearby Indian reservations which, until now, have been largely ignored. There are several counties which have begun to aggressively enforce local building codes and zoning ordinances on California reservations. Insofar as building codes require expensive permits as well as needlessly expensive and culturally biased building specifications and materials, the enforcement of such codes can easily render the construction of a dwelling or other improvements beyond the financial means of many Indians.

The application of state and local ordinances also threatens tribal plans for the economic development of reservation resources. The enforcement of zoning laws can severely limit the ability of tribal governments to determine how reservation lands are to be used. In cases where Indian lands adjoin non-Indian recreational or other property, the political influence of wealthy non-Indian landowners may well result in the use of Indian land being restricted so as to be compatible with the maximization of the profits of the white landowners.

Basically the zoning of Indian land subjects and subordinates the Indians, whose occupation of particular reservations preceded the Anglo occupation of surrounding lands, to the desires and manipulation of non-Indian land owners and speculators. The result is further economic and cultural disaster for Indian people. At the present time the states and federal government. It is this question of the legal status of terminated Indians with which the Inter-Tribal Council is concerned.

California Indian Education

The Johnson O'Malley Act of 1934 acknowledged the federal government's responsibility as a guardian to deal with the problems which are unique to Indian education. Implicit in the J.O.M. legislation is a concept that this federal responsibility can best be met by providing the individual states with a financial incentive to undertake education programs designed to benefit Indian children.

California was the first state to contract with the Bureau of Indian Affairs to receive J.O.M. funds. From 1934 until the move for termination in the 1950's cancelled all J.O.M. funding in California, the state received more than $300,000 a year, which was a percentage of the Johnson O'Malley appropriation approximating the proportion of Indians in California to the national Indian population (12%). It was in 1957, when the B.I.A. adopted an administrative regulation limiting Johnson O'Malley funds to school districts with "large blocks of non-taxable Indian owned property" that California lost its funding. California, of course, has very few large blocks of tax-free land. The reservations promised in the 18 lost Treaties were never created and those reservations that were created later were widely scattered and very small. It is important to note that today only about 6,000 of the 40,000 Native California Indians live on reservations. Approximately 50,000 other Native Americans in California have been relocated to California from other states and they do not live on reservations, but in urban areas. It seems strange that the funds were removed when those intended to be the primary beneficiaries of the Johnson O'Malley Act were Indians "so intermingled with the general population of the state that it was not pratical or economical for the Department (BIA) to obtain separate services for them."

There is nothing in the language or the legislative history of the Johnson O'Malley Act which has authorized the Bureau of Indian Affairs to determine that the funds are for school districts with large blocks of tax-free Indian land and relatively large numbers of Indian children.

The attempt by the Department of Interior and Bureau of Indian Affairs to restrict the distribution of J.O.M. funds on the above basis has prompted a lawsuit by the California Indian Education Association, (C.I.E.A.) against the Secretary of Interior. The case was filed in March 1972 and set forth the controversy over the Interior Department regulations purporting to limit permissible J.O.M. beneficiaries. The suit is being handled by California Indian Legal Services and a copy of the complaint in this case is available from the National Indian Law Library, (No. 001324). A hearing on a Motion to Dismiss by the defendants is scheduled for early September. The basis for the motion is an alleged lack of standing by C.I.E.A. to bring this suit. Further amplifying the standing issue are 12 members of C.I.E.A. who have filed petitions on their own behalf to intervene as plaintiffs in the suit.

Public education of California Indians has proven to be unsatisfactory, intrinsically, and in comparison with Indian education programs in other states. The consensus is that if the Johnson-O'Malley Act of 1934 were reapplied to California, it could be the treaties were negotiated. Had the attorneys been diligent in protecting the interests of the Indians, they would have immediately petitioned the Supreme Court of the United States for a rehearing for this and other reasons, but no such petition was ever filed.

Continuing Genocide

> "There is not much that is more important for human beings than their relations with each other, and it is these which laws are designed to express."
>
> Owen Barfield

The genocide of the California Indian people and the theft of their land cannot be undone. The decimation that occurred in the 19th century might be viewed as the ruthless acts of conquerors—irrational, without motive or considerable premeditation—and therefore not reflective on the consciousness of the society which permitted it. This is not true of law as it has been applied to California Indians.

Law is a more accurate reflector of the conscience of American society than any other activity, because it must ultimately rely on support from the culture as a whole. Unlike the rules of morality, law is surrounded by and intertwined with customs and rites which reveal attitudes and beliefs hidden by the bare rule. It is therefore all the more despicable that the genocide has continued to occur throughout the 20th century.

The law has been used to remove from the California Indians land and most of the remnants of their culture. In some instances it has been because Indians were not informed of their rights or their need to petition; in other instances they have been poorly represented; and in still others the Congress has made laws which, although may have been intended to benefit Indians, were in fact instrumental in furthering the cycle of destruction.

It may be possible to somewhat mitigate the hardship and degradation still endured by the surviving California natives. There can be no justification for Indians living as "squatters" when the very instrumentality by which their lands were stolen from them—the federal government—owns 44% of California, of which 14% is vacant. The Indians realistically need but a fraction of 1%. Similarly, there is no justification for the multiplicity of land problems now afflicting reservations, rancherias and allotments when the means are at hand, at a relatively small cost, to remedy such problems.

Land is critical to Indian cultural survival. It is religiously sacred to Indians and for many it can provide a dignified, secure home. For some it can increase economic self-sufficiency and help provide a more adequate standard of living. The alternative to constructive action is continuing genocide... injustice, festering bitterness and the final death of the first Californians.

California Indian Legal Services

California Indian Legal Services provides legal assistance and advice to Indians throughout the state. The Native American Rights Fund was originally a pilot project of CILS, and the Fund continues to have a close working relationship with the California program.

CILS recently established the California Rural Indian Land Consolidation Project, with the assistance of the Office of Economic Opportunity. The primary objective of the project is to obtain land for landless California Indians, and to help existing reservations with their land problems, including boundary disputes, clouded titles, rights of way and others.

For further information about CILS and the Land Project write to the CILS Central Office:

Bruce R. Greene, Executive Director
California Indian Legal Services
2527 Dwight Way
Berkeley, California 94704
Telephone (415) 845-6171

CILS also has branch offices in Bishop, Escondido, Eureka and Ukiah.

Deganawidah-Quetzalcoatl University

Descendants of Native Americans in the United States number approximately 7 to 8 million persons. These people share racial and cultural values which they have maintained in spite of persistent efforts to assimilate them into the dominant society.

It is the consensus of the Native American community that its cultural heritage may be preserved and enhanced through educational opportunities at an ethnic university. To this end, the nation's first American Indian-Chicano University was founded in 1971. It is located in north-central California on land seized by Chicanos and Indians after it had been abandoned by the United States Army. The 640 acre campus called Deganawidah-Quetzalcoatl University, in memory of leading figures in Iroquois and Aztec history, welcomed its first class in July of 1971. The D-QU curriculum consists of agricultural, liberal arts and vocational offerings; it emphasizes studies in Native American history and contemporary culture.

Prospective students and interested persons may write for further information about D-QU to Director of Student Services:

Deganawidah-Quetzalcoatl
University
P.O. Box 409
Davis, California 95616
Telephone: (916) 758-0470

Sycuan Band of Mission Indians
  Sycuan Reservation

Torres-Martinez Band of Mission Indians
  Torres-Martinez Reservation

Tule River Tribe
  Tule River Reservation

Tuolumne Band of Me-Wuk Indians
  Tuolumne Rancheria

Twenty-Nine Palms Band of [Mission] Indians
  Twenty-Nine Palms Reservation

Viejas Group of Capitan Grande Band of Mission Indians
  Viejas Reservation

Pomo Tribe
  Sulphur Bank Rancheria
  Big Valley (Mission) Reservation
  Cache Creek Reservation
  Lower Lake Reservation
  Robinson Reservation
  Scotts Valley (Sugar Bowl) Reservation
  Upper Lake
  Coyote Valley Reservation
  Guidiville Reservation
  Hopland Reservation
  Manchester-Point Arena Reservation
  Pinoleville Reservation
  Potter Valley Reservation
  Redwood Valley Reservation
  Cloverdale Reservation
  Dry Creek Reservation
  Graton Reservation
  Lytton Reservation
  Mark West Reservation
  Stewart's Point Reservation

National Indian Law Library Tribal Index

The National Indian Law Library is in the process of compiling a Tribal Index which will list all tribes known in the United States since its discovery. It will also include native villages of Alaska and all reservations existing today.

The Index will be used in conjunction with the Indian Claims Commission Reports and the regular holdings of the National Indian Law Library. Anyone wishing information about any tribe will be able to look up the tribe in the index and find a listing of all cases in which that particular tribe has been involved.

Persons interested in this project, who either may have information about little known tribes or who would like to purchase a copy of the National Indian Law Library Tribal Index should write directly to:

Diana Lim, Research Associate
Native American Rights Fund
National Indian Law Library
1506 Broadway
Boulder, Colorado 80302
Telephone (303) 447-8760
ext. 48

National Indian Law Library Holdings

The following is a list of recent acquisitions now available through the National Indian Law Library. Together with the lists in the first and second issues of *Announcements*, they comprise a current listing of all Library holdings. We will continue to up-date this list in subsequent issues of *Announcements.*

The Library will soon have access to an off-set press to be used in printing the complete catalogue of documents available in each case and the subject index. We have already been receiving requests for these items. The document catalogue will be ready near the end of October, and the subject index later this year. If you are interested in receiving either of these documents, please fill out the Subscription and Catalogue request form on the last page of this issue,

The recently acquired case materials are divided under very general subject headings pending publication of our comprehensive Subject Catalogue. The number in the upper left hand corner is the Library acquisition number and should be used in ordering materials. The line directly below the title gives the state, court(s), tribe(s), and date(s) when applicable. The court, except where shown as a Federal Court, tribal court or administrative agency, is a court of the state indicated at the beginning of the line. The courts listed are not meant to be a history of the case, but only refer to the documents in the library files. The date is that of the earliest document in the case in our files. The date preceded by the letter "d" indicates the date on which the case was settled or decided. If no date preceded by the letter "d" indicates the date on which the the letter "d" is shown, then the case is undecided, on appeal in another court, or the decision is unreported and we have no record of it. If only a date preceded by the letter "d" is shown, then all of the litigation in our file occurred during the year of the decision. The symbol (C—) indicates a connected or consolidated case.

Although the Library has made every effort to make our files as complete and accurate as possible, there may be errors which we rely upon you to help us correct.

1005——————*Acquisition Number*
Wisconsin v. Richard Gurnoe.
Wisc., Cir. Ct., Sup. Ct., Chippewa, 1970, d. 1972

State *Courts* *Tribe* *Dates*

(C. 1005)—Connected or consolidated case

ADMINISTRATION OF INDIAN AFFAIRS

001297
Freeman, Emile E. v. Morton, Rogers C. B.
Wash., D.C., D.D.C., 1972.
Action challenging B.I.A. interpretation of statutes concerning Indian preference as applying only to initial hiring.

001332
Thompson, Mae v. Hickel, Walter J.
N.M., D.N.M., Navajo, 1970.
Action contesting Dept. of Int. regulation prohibiting general assistance grants supplementing state welfare to reservation Indians.

001496
Begay, Sally John v. Graham, John O.
Ariz., Super. Ct., Navajo, 1969.
Action contesting denial of state welfare benefits to family because family's resources exceeded allowable maximum.

001497
Smith, Joe v. Finch, Robert H.
Ariz., D. Ariz., Navajo, 1969.
Action contesting administrative decision denying Social Security Disability Insurance benefits to Indian.

001505
Borcell, William v. Armstrong, Ellis.
Cal., E. D. Cal., 1972.
Suit alleging federal flood relief program so administered that allottee's property unreasonably susceptible to flood, thus reducing its value and endangering life.

CIVIL RIGHTS

001302
Wilber, Lillian v. Board of Education of Joint School District No. 8.
Wis., W.D. Wis., Menominee, 1972.
Action charging school officials with discriminating against Indian students in enrollment and curriculum.

001490
Ferrell, Derryl v. Kerr, Henry W.
Cal., N.D. Cal., 1972.
Action by Indian prisoners charging violation of 14th Amendments rights in parole policy.

001504
Duro, Raphael v. Valley Center Union School District.
Cal., S.D. Cal., Rincon Band, 1972.
Action to prevent school officials from suspending Indian male students for violation of school hair length regulations.

001508
California v. Carrillo, Joe.
Cal., Just. Ct., 1972.
Suit alleging unconstitutional discrimination in composition of master panel of jurors to detriment of Indians and Mexican Americans.

001513
Shepard, Grover Lee v. Justice Court, County of Inyo, Southern Inyo Judicial District.
Cal., Super. Ct., 1972.
Suit alleging denial of equal protection in state prosecution for public drunkenness.

001520
San Diego Unified School District v. Attorney General of the State of California.
Cal., U.S. Sup. Ct., 1971.
State action to desegregate de facto racial imbalance in school district.

HUNTING AND FISHING RIGHTS

001321
Confederated Tribes of the Umatilla Indian Reservation v. Maison, H. G.
Ore., D. Ore., 9th Cir., Walla Walla, Cayuse, Umatilla, 1960, d.1963.
Action to ascertain extent of off-reservation fishing rights given Indians in treaty.

intergovernmental relationship existed, from the beginning; for the benefit of all Americans, not only Indians and Indian tribes. As the U.S. Supreme Court has observed since the *Cherokee* cases in 1831 and 1832, the United States has, through treaties, other contracts, and course of conduct by Congress, assumed a wide-ranging obligation to the tribes, equal to the extent of Congressional authority over them (Commerce Clause Article 3, Section 8, Clause 2). Under the 1913 *U.S. v. Sandoval* case, the United States has virtually plenary authority to recognize as an Indian tribe any community of persons of American Indian descent.

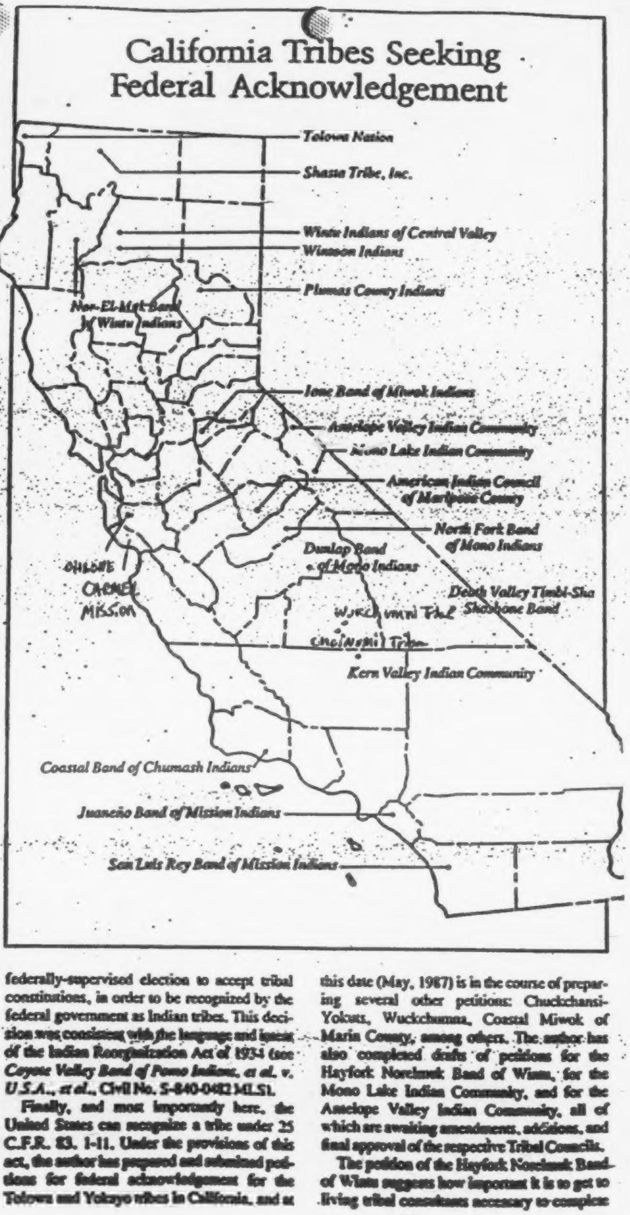
Federal Acknowledgement in California

California Indians have received the most consistently negligent treatment ever extended toward people entitled to benefit from the federal-Indian trust relationship. The State of California learned from the example of other states that the best solution to the local Indian problem was to intervene in the process of recognizing Indians in California and their property rights and human rights in general, by preventing the establishment of any reserved rights for California Indians, if at all possible. Eighteen well-known treaties were made with groups of California Indians in 1851–1852, but due to the intervention of California politicians and wealthy entrepreneurs, among others, the Senate never ratified them. The condescending attitude of Anglo California toward local "Digger" Indians made it easy for the United States to ignore the sovereign status of many tribal governments. Even "scholars" of the late 1800s shared the bias that Christian non-Indians could lay moral and legal claims to "Digger" land and resources without regard to prior Indian title or rights.

However, many California Indian tribes have already been recognized, by various sorts of agreements, and by Congressionally-approved Executive Orders. Generally, over the years, the United States has recognized tribes as "domestic dependent nations" by treaty (though the last Indian treaties were made before 1872), by agreement, or by acts of Congress. Under 25 U.S.C. 479, the United States can recognize a half-blood Indian group without granting full tribal recognition. Also, under 25 U.S.C. 476, the United States can allow any Indian group living on a reservation to convene an election to adopt a constitution under the Indian Reorganization Act (25 U.S.C. 461, *et seq.*). On April 2, 1986, through the able advocacy of Lester J. Marston, of the Ukiah office of California Indian Legal Services, the Coyote Valley, Hopland, and Karuk tribes were able to prevail in a suit against the Department of Interior in which they established their right under 25 U.S.C. 476, as reservation Indians, to have a federally-supervised election to accept tribal constitutions, in order to be recognized by the federal government as Indian tribes. This decision was consistent with the language and intent of the Indian Reorganization Act of 1934 (see *Coyote Valley Band of Pomo Indians, et al. v. U.S.A., et al.*, Civil No. S-840-0482 MLS).

Finally, and most importantly here, the United States can recognize a tribe under 25 C.F.R. 83. 1-11. Under the provisions of this act, the author has prepared and submitted petitions for federal acknowledgement for the Tolowa and Yokayo tribes in California, and at this date (May, 1987) is in the course of preparing several other petitions: Chuckchansi-Yokuts, Wuckchumna, Coastal Miwok of Marin County, among others. The author has also completed drafts of petitions for the Hayfork Norelmuk Band of Wintu, for the Mono Lake Indian Community, and for the Antelope Valley Indian Community, all of which are awaiting amendments, additions, and final approval of the respective Tribal Councils.

The petition of the Hayfork Norelmuk Band of Wintu suggests how important it is to get to living tribal consultants necessary to complete



California Tribes Seeking Federal Acknowledgement

Tolowa Nation
Shasta Tribe, Inc.
Wintu Indians of Central Valley
Wintoon Indians
Plumas County Indians
Nor-El-Muk Band of Wintu Indians
Ione Band of Miwok Indians
Antelope Valley Indian Community
Mono Lake Indian Community
American Indian Council of Mariposa County
North Fork Band of Mono Indians
Dunlap Band of Mono Indians
OHLONE
CARMEL MISSION
Death Valley Timbi-Sha Shoshone Band
WUKCHUMNI TRIBE
CHUKCHANSI Tribe
Kern Valley Indian Community
Coastal Band of Chumash Indians
Juaneño Band of Mission Indians
San Luis Rey Band of Mission Indians

- 1st Calif State Statute
to enslave Indians
[illegible] 25

A testimony

The stealing of California, 47¢ an acre

The following is part of a presentation given January 21, 1976, before Task Force I of the American Indian Policy Review Commission:

When the Treaty of Guadalupe-Hildalgo was signed at the conclusion of the Mexican War and California became a part of the United States, about 200,000* Indians occupied 90 percent of the new State. But by the turn of the century less than 50,000 had survived.

The reasons for this drastic loss of life among the Native American population are many, the most critical of which can be traced to the period immediately following the signing of the Treaty of Guadalupe-Hildalgo.

Three commissioners were sent to California by the U.S. government in the early 1850's to negotiate with the Indians for their land. The commissioners started at the top of the State and through deception, coercion and general misrepresentation succeeded in negotiating 18 treaties. Therein the Indians ceded 75 million acres of land to the United States, keeping approximately eight million for themselves.

Soon after, the U.S. Senate considered the treaties in executive session. California sent a congressional delegation to exert heavy pressure upon the Senate to defeat the ratification process. The effort proved successful. The Senate rejected the treaties.

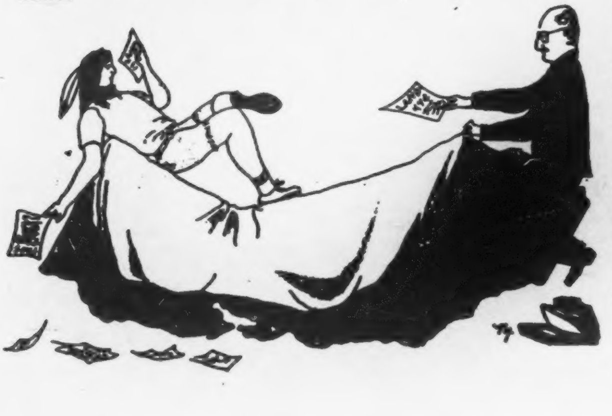
Meanwhile more and more 49'ers poured over the Sierras and continued to inflict great casualties among the natives through massacre, disease and starvation. California Indians were devastated by these genocidal forces between 1850 and 1880.

As early as 1851 Congress had established the California Land Claims Commission. All who claimed land under the old Spanish or Mexican law were required to file their claim with this commission. Many who filed received title to much of the original ancestral lands of California Indians.

Congress in 1884 passed the Mission Indian Relief Act. The act established a commission with the responsibility to locate the areas of largest Indian populations and authorized the President to create reservations in those areas.

Although the President, by Executive Order, did at this time set aside a few rancherias in Northern California for the splintered parts of remaining tribes and groups, the effort proved of little help to Indians.

Rancherias differed from reservations in that they were established only for individual homeless families. They were not meant to support whole populations as were reservations. The rancherias were in fact worthless. They were too small, and it was impossible for the Indians to gain subsistence from them.



TREATIES FOUND

In 1905 a clerk found the 18 unratified treaties hidden away in the Federal archives. At that time, however, no Indian, without an act of Congress, could sue the United States for misrepresentation. No legal remedy was available.

Finally, in 1928, after 75 years, Congress passed the Jurisdiction Act, which authorized Indians to sue the United States in order to gain compensation for the breaking of treaties. Permission to obtain this compensation was restricted to those parties whose cases involved treaty lands, and the rate of payment was set at $1.25 per acre, which included all the rights to gold, other minerals and water on the lands.

It was not until 1944 in a Court of Claims decision, in Indians of California vs. United States, that an effort resulted in a judgment of $17 million. The suit had been filed in 1929. The 15 year payment delay was caused by the U.S. government's claim that it was entitled to "set off" certain expenditures that had been made in behalf of California Indians. Deducted from the $17 million was the value of the minimal size reservations and rancherias which had been established after the rejection of the original 18 treaties. Added to this was the cost of needles, blankets and thimbles. The United States claimed that these expenses and lands totaled $12 million. The Indians were left with a $5 million settlement. In reality, this meant that Indians paid for their own colonization and oppression by a foreign government between 1851 and 1944.

Congress finally wearied from the repeated pleas by Indian groups across the country for permission to sue the United States, and in response to this the Indian Claims Commission Act was passed in 1946. The act was much broader than anything that had preceded it. It allowed for compensation for moral wrongs and for breach of fair and honest dealings.

By 1951, three groups of California Indians had filed claims: the Mission Indians (Southern California), the Indians of California (central) and the Pitt River Indians (Northern California). The claims alleged that Indians had been wrongfully and illegally dispossessed of their ancestral lands. Since the treaties had never been

continued on page 4

continued from page 3

ratified [illegible] million acres had never really been ceded.

47¢ AN ACRE

The United States succeeded in consolidating the three claims against the wishes of the Indians in the early 1960's. After making a preliminary determination, a $31 million settlement was offered. Two million dollars was subtracted for "set offs." The final amount of $29 million represented 47 cents an acre. This was less than half of what had been paid in 1944 at the $1.25 rate. In December, 1972, the payment was distributed.

Most of the 72 attorneys who represented the Indian people in this case were in favor of the settlement. They argued that there were many problems involved in pushing the claims case any further. An overwhelming amount of additional work would be required to begin another legal proceeding to determine what the actual value of land was in 1853.

Already it had been 10 years since the original claim had been filed and more than 100 years since the land had been taken.

The Mission Bands and the Indians of California approved this final settlement, but the Pitt River Indians did not.

Not content with the Pitt River decision, the Bureau of Indian Affairs conducted a mail ballot of all enrolled members of the tribe. The resulting vote showed acceptance of the claim settlement. The Indian Claims Commission determined that the balloting process was proper and that the amount offered by the United States was fair.

PITT RIVER NON-ACCEPTANCE

Despite the frantic efforts of the Pitt River Indians to hire another attorney to stop what they considered to be an illegal and non-existent acceptance of their portion of the claim, the settlement was ratified.

Among the reasons for Pitt River non-acceptance of the settlement were the following:

1. Compromise was reached without the people's being adequately informed of all the facts and implications.

2. Attorneys were so intent on a settlement of the case that the Indians' concerns, desires and needs were ignored.

3. Inadequate payment was made for the land. In 1852 the California Legislature declared the most worthless land in California to be worth $12.50 per acre. acre.

4. Genocide. Ninety per cent or more of all the original people of California were killed between 1850 and 1880. For this the

POMO: photo E. S. Curtis, Southwest Museum collection Sierra Club Poster

Federal and State governments must be held jointly responsible. For the widespread child slavery, the rape and kidnapping of women and girls, the willful destruction of food supplies and other cruelties, the permanent loss of the right to fish, hunt and gather food, the United States has paid nothing.

5. The amount awarded per individual both in 1944 and 1972 could not buy back any land. The money did not solve any of the economic problems which confront our people. In the present economy the $668 settlement could not last a family a month.

6. Present day conditions find the land being destroyed, [illegible] tribal groups not being recognized, existing reservations have more than one tribe living within their confines, thereby causing the loss of language, cultural identity and religion, most reservations are unproductive, and people live in abject poverty, health standards are worse than the general population.

7. The settlement was for more than 64 million acres illegally taken. Today there are fewer than 675,000 acres of Indian trust land in the State, and most of this land is barren and unproductive.

CONCLUSION

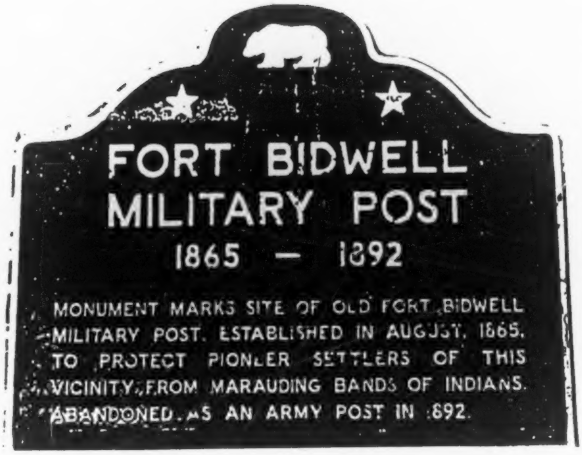
The 18 unratified treaties would have provided for reservations totalling 8.5 million acres.

Because of the resulting lack of an adequate land base and because of a history of genocide, most Indians of California have been deprived of their language, religion, cultural activities and tribal identity.

Our contention is that this settlement was not only inadequate but was a totally wrong method of making retribution. Only by establishing an adequate land base for all landless California Indians (2/3 are still landless), can the U.S. government make reconciliation with the red man possible. Man possible.

To revive a strong spiritual movement in California among Indians, we must have this land base. We desperately need the return of all spiritual and sacred lands in the State. This alone will stimulate a strong reawakening of our people and strengthen them once again as nations.

Note: **This figure is a minimum estimate and for the most part does not include people living along the borders of California.*


FORT BIDWELL
MILITARY POST
1865 — 1892
MONUMENT MARKS SITE OF OLD FORT BIDWELL
MILITARY POST. ESTABLISHED IN AUGUST, 1865,
TO PROTECT PIONEER SETTLERS OF THIS
VICINITY FROM MARAUDING BANDS OF INDIANS.
ABANDONED AS AN ARMY POST IN 1892.

MONUMENT MARKS SITE OF OLD FORT BIDWELL MILITARY POST ESTABLISHED IN AUGUST 1865 TO PROTECT PIONEER SETTLERS OF THIS VICINITY FROM MARAUDING BANDS OF INDIANS ABANDONED AS AN ARMY POST IN 1892

Twelve ways to identify Indian genocide

The coming of Americans to California during the 1850's marked the critical beginning of white encroachment upon Indian culture in California.

This cultural encroachment identified itself as a genocidal force for the following reasons.

1 Women and children were rounded up, bought, sold and used as indentured slaves of whites.

2 White civilians, police and military, separately and in collusion, murderously raided the homes of Indians for the express purpose of exterminating the race.

3 The natural habitat of the California Indian was progressively pushed away from areas of white settlement and into areas of desolation and severe climate.

4 Indians, continually harassed by white invaders and pushed into areas of desolation, found their food supplies exhausted and hundreds died from starvation.

5 Foreign diseases, e.g., small pox, measles, tuberculosis, and syphilis, attacked the weakened and unprepared Native American and took thousands of lives.

6 Alcohol victimized the Native American and caused him further moral, physical and psychological decay.

7 Laws protecting whites were not made applicable to Indians and prevented their receiving legal redress for grievances, which resulted in further psychological decay.

8 A series of 18 treaties was negotiated among various tribal governments in the early 1850's. The terms of the treaties required the Indians to move from their homelands and resettle in designated areas. The treaties were not ratified by the U S Senate. As a result, Native Americans were left homeless and landless. Further cultural, physical and psychological decay occurred.

9 Those reservations which were established were too few and too small and created for the inhabitants even greater health risks.

10 The reservations frequently held captive Indians from various cultures. This condition caused the loss of language, customs and cultural identity.

11. A "minimum" estimate of 75,000 Native Americans died between the years 1848 and 1880 as a result of disease, murder and starvation.

12. The Termination Act of 1958 caused 35 rancherias to be cut off from further federal support. All Indians of these rancherias had been scheduled for termination. The government claimed that subsistence and support had been effective in transforming these people from a starved, dependent lot to a strong, independent and economically sound social entity. This was not the case. In many of the terminated rancherias the people had not received the basics of the original promised BIA support. For example, water and electricity had not been delivered. The Termination Act caused chaos in each of the terminated rancherias. Before the act was repealed in 1964, more California Indians were left landless and without the ability to subsist.

The Federal government has made a sorrowful attempt at making retribution to the Indians of California by paying a measly 47 cents an acre for land taken. This is not a fair compensation for the following reasons:

1. Fifty times that much was taken out of California in gold alone.

2. In 1853 the value of the worst land in California (the treaty lands) were appraised by the California State Legislature to be worth $12 an acre.

3. No amount of money can really compensate the California Indian for lands taken from him. His culture has been badly damaged by the loss of land which is the basis for his culture. His culture is further damaged by the loss of his language which accompanies forced integration. And further destruction of his culture occurs when he is persuaded to accept money for land.

Because money has only been a corrupting influence on the Indian's way of life, as it has been on the whites', this kind of retribution for the loss of land should be rejected. No amount of money can be considered a fair compensation. Only land equal in quality for land taken is fair.

Treaties

LOGAN - HANDBOOK - VOL 8 OF N.A. Indians (California)

ROBERT F. HEIZER

The Indians of California, after their discovery by Juan Rodriguez Cabrillo in 1542, came into direct contact [illegible] a wide variety of national groups or their agents who imposed their authority: Spaniards, Mexicans, Russians, and Americans. During the period when California was a frontier outpost under Spanish control (1769–1821) no treaties as such were made with the Indians. Through practice the government of Spain assumed ownership of lands claimed by it through the right of discovery and performance of the formal Act of Possession. Resident natives were considered not as human beings in possession of land by virtue of occupation, but rather as a special appurtenance of the territory much in the same way that timber, minerals, and the climate were judged to be useful resources. For this reason the Spanish Crown did not enter into treaty relations with native peoples. It might, as in the case of Captain Palma, the leader of the large and warlike Quechan tribe, which occupied the important crossing spot of the Colorado River at Yuma on the land route from Mexico to California, make special concessions to him, distribute gifts to his tribesmen, and ask for a promise of loyalty; but such acts were not treaties. The Mexicans who secured independence from Spain in 1821 continued, as might be expected, to view Indians in frontier outposts such as California as a natural resource to be used in any manner desired. The Russians who had established a fort on the Sonoma County coast in 1812 did not enter into formal treaty arrangements with the local Pomo, but held native hostages as a guarantee of good behavior of the nearby tribes. In some areas, particularly on the northern and eastern border of Mexican settlement where contact was close with large native populations that had not been missionized, as for example in the Sonoma region, treaties were occasionally made for the sake of reducing conflict between Indians and Mexicans. Mariano Vallejo in 1836 entered into such a treaty with the Wappo and in 1837 a similar treaty was made with the Satiyomi (Wappo), whose chief was Succara (Lothrop 1932:185, 189–190).

It is with the military seizure by United States forces of California in 1846 that the California Indians, now reduced to about 100,000 from their estimated number of 350,000 in 1769 (when the first Spanish settlement was established at San Diego) encountered the particular American system of entering into treaty arrangements to secure legal title to occupied lands. Regardless of how considerate of Indian life and property the treaty-making theory of the United States government was, it can also be argued that it was a method to rationalize and abet the principle of Manifest Destiny.

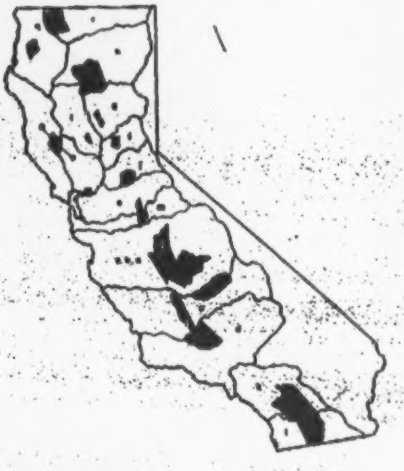
"General" Vallejo, an Indian slaveholder in Sonoma County, signed, by the authority of his appointment as United States Indian subagent, a treaty with 11 groups of the southern Pomo and Lake Miwok Indians on June 1, 1848. This was not a binding act since the treaty was neither ratified nor observed, and it is merely of historical interest in being the first one of the American period (Heizer and Hester 1970:108–109). At about the same time the Swiss settler, "Captain" J.A. Sutter, who held the lands of "New Helvetia" through a Mexican land grant, had quite by accident through his associate, James Marshall, discovered gold during the building of a sawmill at Coloma on January 24, 1848. This important event occurred during the interim period of U.S. military rule between the seizure of California from Mexico in 1846 and admission of the state to the Union in September 1850. Sutter, also holding an official appointment as United States Indian subagent, realized the desirability of securing exclusive exploitative interests in what he knew must be immensely valuable auriferous placers in the Coloma-Placerville region; and with his partner, James Marshall, he entered into an "Agreement" with the Yalesumne (Nisenan) Indian occupants of the area for exclusive land rights in exchange for certain payment of food and equipment. This agreement, despite the title given it by Sutter, was in fact an Indian treaty. To legitimize it Sutter dispatched it to Col. R.B. Mason, military governor of California, stationed at Monterey, for approval. Mason refused to approve it, noting in his answer to Sutter that the United States government did not recognize the right of Indians to lease, sell, or rent their lands (Heizer and Almquist 1971:67; Heizer and Hester 1970:107–110; C. Olson 1948). It is obvious that both Vallejo and Sutter were attempting to secure exclusive title to protect the lands they were occupying at the time of American annexation (1846), through their official appointments as Indian subagents. The Sutter-Marshall "lease" is dated January 1, 1848, which would predate the discovery of gold at Coloma by 24 days. But Marshall himself in a letter written in 1856 said: "In February the Captain [Sutter] came to the mountains for the first time. Then we consummated a treaty with the Indians, which had been previously negotiated" (Hittell 1861:12).

Within the four-year span of military government (1846-1850) the discovery of gold at Coloma in January 1848 led to a massive entry of gold seekers. It is estimated that 100,000 miners were in California by the end of 1849. Military forces were too small to keep order among the newly arrived mob and between them and the resident Indians and Mexicans. Frequent conflicts with Indians in the gold-producing area indicated the desirability of protecting the Indians and removing them from the areas in which mining and farming were being carried on. The appointment of a number of Indian agents was considered by the U.S. Senate but decided against as an effective means of handling the problem. Adam Johnston was appointed Indian agent for California on April 14, 1849, and the letter of his appointment reads in part: "So little is known here of the condition and situation of the Indians in that region that no specific instructions can be given at present" (U.S. Congress. Senate Journal 1853:2). In May 1850 Johnston learned of difficulties between Whites and Indians on Bear River, north of Sacramento, and journeyed there where he encountered T.J. Green of the California militia and P.H. Burnett, elected as governor when the California voters approved the state constitution in November 1849. Johnston was informed by them that an "armistice or treaty" had been entered into with the Indians on Bear River. Johnston recommended against its approval by the federal government and his advice was followed.

Immediately upon Senate approval of admission of California on September 9, 1850, long debate occurred about what steps the federal government could and should take to remove the California Indians from contact with the gold miners since numbers on both sides were being killed. Newly seated California Sens. John C. Frémont and William M. Gwin participated. In the end the Senate approved the appointment of three Indian agents for California and passed special legislation authorizing President Fillmore to make treaties with the California tribes. All this occurred just before Congress adjourned in 1852, and it was learned only after adjournment that no appropriation had been made for the salary of the Indian agents while no persons had been specified as treaty commissioners although an appropriation of $25,000 was made to support treaty making. Accordingly, the three Indian agents whose appointment had been confirmed by the Senate (Redick McKee of Virginia, George W. Barbour of Kentucky, and O.M. Wozencraft of Louisiana) were named as treaty commissioners by President Fillmore to serve as such until they had negotiated the necessary treaties, and after which they would assume the title and duties of Indian agents. Instructed to enter into such treaties "as seemed just and proper," their pay was to be eight dollars a day; after arriving in California they might appoint a secretary whose pay was not to exceed five dollars a day. All costs of treaty making were to be borne with the appropriation of $25,000. Meeting in San Francisco in January 1851, the three commissioners decided to travel together and meet with Indians, but after a trip together to the Sierra region it became obvious that they could never hope to meet with enough tribes if they remained together. Hostilities between Indians and Whites were raging all over the state and the need for action was obvious. It was decided, by drawing lots, that Barbour would make treaties in the district south of the San Joaquin River; Wozencraft would be responsible for the area north to the headwaters of the Sacramento River and from the Coast Ranges to the south of San Francisco Bay to the Sierra Nevada crest; and McKee would handle the Coast Range area north of San Francisco and the balance of the northern part of the state not being visited by Wozencraft. The first two treaties entered into while the three were acting as a board were adopted as the pattern. The details of the experiences of the three treaty commissioner agents are described in Senate documents (U.S. Congress. Senate Journal 1853). McKee's travels were recorded in a journal by George Gibbs and published by Schoolcraft (Gibbs 1853) and by his son, John McKee, who served as his secretary. His official diary appeared in Senate documents (U.S. Congress. Senate Journal 1853:134-195).

Each of the 18 treaties stipulated that a certain tract of land would be set aside for sole occupancy of signatory tribes and various measures to aid and improve conditions were promised—a school teacher, farmer, blacksmith, farm animals, agricultural instruments, seed, cloth, and much else. In return the Indians "forever quit claim to the government of the United States to any and all lands to which they . . . now have, or may ever have had any claim or title whatsoever." Ellison (1922) states that the proposed reserved areas totaled 11,700 square miles or 7,488,000 acres of land. The areas supposedly ceded and the intended reserved areas are shown in figure 1.

The three commissioners who arranged the 18 treaties in 1851-1852 knew nothing at all about California Indians. Their procedure was to travel about until they could collect enough natives, meet with them, and effect the treaty explanation and signing. One wonders how clearly many Indians understood what the whole matter was about. Not a single Indian signature was ever recorded; only an X mark occurs. Some treaties were agreed to by a number of Indians each of whom had a Spanish given name (Antonio, Joaquin, José, Pablo); others were signed by persons with either Spanish or native names; and a number were signed by persons who, without exception, bore native names. In the last



After Royce 1899:pl. CXIV.

Fig. 1. Areas supposedly ceded by Indians in the 1851-1852 treaties and areas intended to be reserved. Treaty designations are those used by President Fillmore in 1852.

instances it is to be doubted that an interpreter was always present who knew all the native dialects of the Indians assembled for the treaty making.

The Senate in executive session refused, on July 8, 1852, to ratify the 18 treaties, largely because of the objections of the California legislature and the California senators (Warner 1852; Coats et al. 1852; Ellison 1922, 1925; U.S. Congress. House. Committee on Indian Affairs 1922:[illegible]-272) and the dead treaties were filed. Since the inju[illegible]ion of secrecy was removed on January 18, 1905, the treaties have been published a number of times (for example, U.S. Congress. House. Committee on Indian Affairs 1921-1922, 1:12-15, 1928:38-85; Heizer 1972).

Two attempts have been made to identify the "tribes" recorded in the California treaties. One, by C. Hart Merriam, was made at the request of the Subcommittee of the Committee on Indian Affairs, House of Representatives, before which Merriam testified in 1926. Merriam (1926a:62) stated that of the 126 "alleged tribes" listed in the treaties half a dozen were unidentifiable, some were duplications, and that "the great majority of so-called tribes enumerated in the 18 treaties are nothing more than local bands or villages—not more than 56 of the 126 being tribes. On the other hand, in checking the treaty names against the names of the known California tribes it appears that more than 175 tribes are not included in the 18 treaties." Merriam's (1926b) worksheets have been preserved.

In 1955 R.F. Heizer and A.L. Kroeber made an independent analysis of the names of the "tribes" signatory to the 1851-1852 treaties. This was submitted as Exhibit ALK-8 in hearings before the Indian Claims Commission (allowed in 1946 under H.R. 4497), Dockets 31 and 37, in 1955. Of 139 signatory groups, 67 are identifiable as tribelets, 45 are merely village names, 14 are duplicates of names heard and spelled somewhat differently without the commissioners' being aware of the fact, and 13 are either unidentifiable or personal names (Heizer 1955a).

The Indians of California in 1928 were permitted, under H.R. 491, Seventieth Congress, to sue the federal government for compensation promised but not provided by the 18 unratified treaties that they had entered into in good faith. The attorney general of California was authorized to prosecute the suit. The suit was settled in 1944 in favor of the California Indians and a judgment of $5,025,000 was awarded. Royce (1899) lists, in the order of their dates, all land cessions and treaties between the United States government and Indians of California. The earliest of these is dated March 19, 1851 (Treaty A of the 1851-1852 unratified treaties) and was with six Southern Sierra Miwok and Foothill Yokuts tribelet groups or villages (Royce 1899:780, Nos. 273, 274 on map shown as pl. CXIV). The latest is dated October 16, 1891 and was with the Hupa and Yurok (Royce 1899:942, Nos. 400, 461 on map shown as pl. CXV).

The lands supposedly ceded to the United States by the various "tribes" with whom treaties were entered into in 1851-1852 are not specified in any of the treaty documents. The chief reason for not specifying ceded areas was obviously that the commissioners did not know, or even attempt to learn from the individual Indians with whom they were meeting, which lands their tribe or tribes owned. The Senate in 1852 might have inquired of the president whether representatives of each and every California Indian tribe had been treated with, but it apparently did not do so, presumably for the reason that the successful lobbying of the California senators had already made it obvious that the treaties would not be approved. Royce (1899:pl. CXIV) shows very large sections of the state as areas supposedly ceded by native Californians through each of the 18 treaties. There seems to be no basis whatsoever for this map beyond the vague impression of the U.S. Senate in 1852 that the California Indian tribes were agreeable to ceding to the United States the lands of California. Royce's map is, therefore, his own artifact deriving from the same assumption that the Senate made in 1852. But since it was already known in 1852 that many groups had not been treated with (cf. Gibbs 1853: 116, 119, 130), either because they had not been encountered in the course of the wanderings of the three commissioners or because through lack of interpreters no communication was possible between the Americans and numbers of groups of native Californians, it must have been obvious that the 1851-1852 treaties did not, as was implied, cover the quieting of territorial claims ("title") of the Indians then living in the state.

The treaty-making venture of 1851-1852 carried out by McKee, Wozencraft, and Barbour was intended to reduce the Indian-White confrontation on the California frontier, a point made clear from the location of the places where the treaties were made, which was either in the gold-mining regions of the Sierra Nevadas, the Klamath-Trinity-Scott River gold area, or along the main lines of communication. The treaty commissioners were unable to do more than promise the Indians they made treaties with that the government would soon establish a reservation where they would be fed, protected, and instructed in letters and useful pursuits—promises that were never honored. Even if the treaties had been ratified by the Senate, one wonders whether the many hundreds of groups who had been missed in 1851-1852 during the treaty making would have been taken care of on the 19 reserved areas that were to be set aside for the exclusive use and occupancy of those "tribes" named in specific treaties. Those groups who had been omitted from consideration would have had to be taken care of in some way.

The spate of treaty making in 1851-1852 led to nothing because of the refusal of the Senate to ratify the treaties. There were other so-called treaties, for example what Coy (1929:192-193) describes as one made between A. Wiley, superintendent of Indian affairs for California and the Hupa Indians. Commissioner of Indian Affairs W.P. Dole, in commenting on the document entitled "Treaty of peace and friendship between the United States government and the Hoopa, South Fork, Redwood, and Grouse Creek Indians," wrote to Wiley: "The relations of the government of the United States to the Indians of California do not contemplate treaties with those Indians, to be submitted by the President to the Senate for confirmation; but as it is deemed advisable to have the chiefs and leading men of the tribes in question subscribe their hands to a document which shall fully commit them hereafter, you will, after explaining to them the nature of the additions or alter
ations now suggested, as being intended solely for thei
benefit, cause a copy to be signed by them, and forwar
it to this office" (Dole 1865:138). Apparently the distinc
tion between what the Indians *thought* was a treaty an
what the commissioner and Senate *knew* was a treat
was not explained to the Indians. The reality of th
whole affair was that the Hoopa Reservation was estab
lished not through treaty but by authority of an act o
Congress of April 8, 1864 (Royce 1899:832-833). Le
gally speaking, no California Indian tribe (among thos
considered in this volume) ever entered into relation
based on treaty with the U.S. government. The alterna
tive means of providing for federal protection and wel
fare of California Indians was that Congress authorize
in 1853 and 1855, the setting aside of seven "militar
reservations" on which Indians were gathered with th
intention of providing them houses and a means of live
lihood through farming and stock raising. These reserve
were not to exceed 25,000 acres each. Their names an
approximate dates of establishment are: Tejon Pas
1853; Nome Lackee, 1857; Klamath, 1857; Tule Rive
1856; Round Valley (Nome Cult), 1856; Fresno Rive
1857; Hoopa, 1864; Smith River, 1862; Mendocin
1856; Mission Indian, 1887 (Royce 1899).

The meeting of those California Indians who had su
vived the Spanish and Mexican occupations with t
American gold miners in 1848 marked the beginning
what was to be a disastrous encounter. The Indian pop
lation was reduced in two decades (1850-1870) fro
about 100,000 to about 50,000, and some estimates a
as low as 30,000. Much of this wantonly destroyed h
manity and a great deal more of native culture wou
have survived if the California Indians had been pr
tected on the reserves stipulated in the 18 treaties. B
with the failure of the U.S. Senate to ratify the ve
treaties that they had authorized, the California Indian
who were also denied by the California legislature t
privilege of citizenship, were helpless (Heizer and Al
quist 1971:23-64, 120-137). In the history of Californ
Indians no other single event (that is "nonevent") had
more rapid destructive effect on their population an
culture than the about-face that the Senate made b
tween authorizing President Fillmore on September 3
1850, to make treaties and its failure on July 8, 1852,
ratify those treaties.

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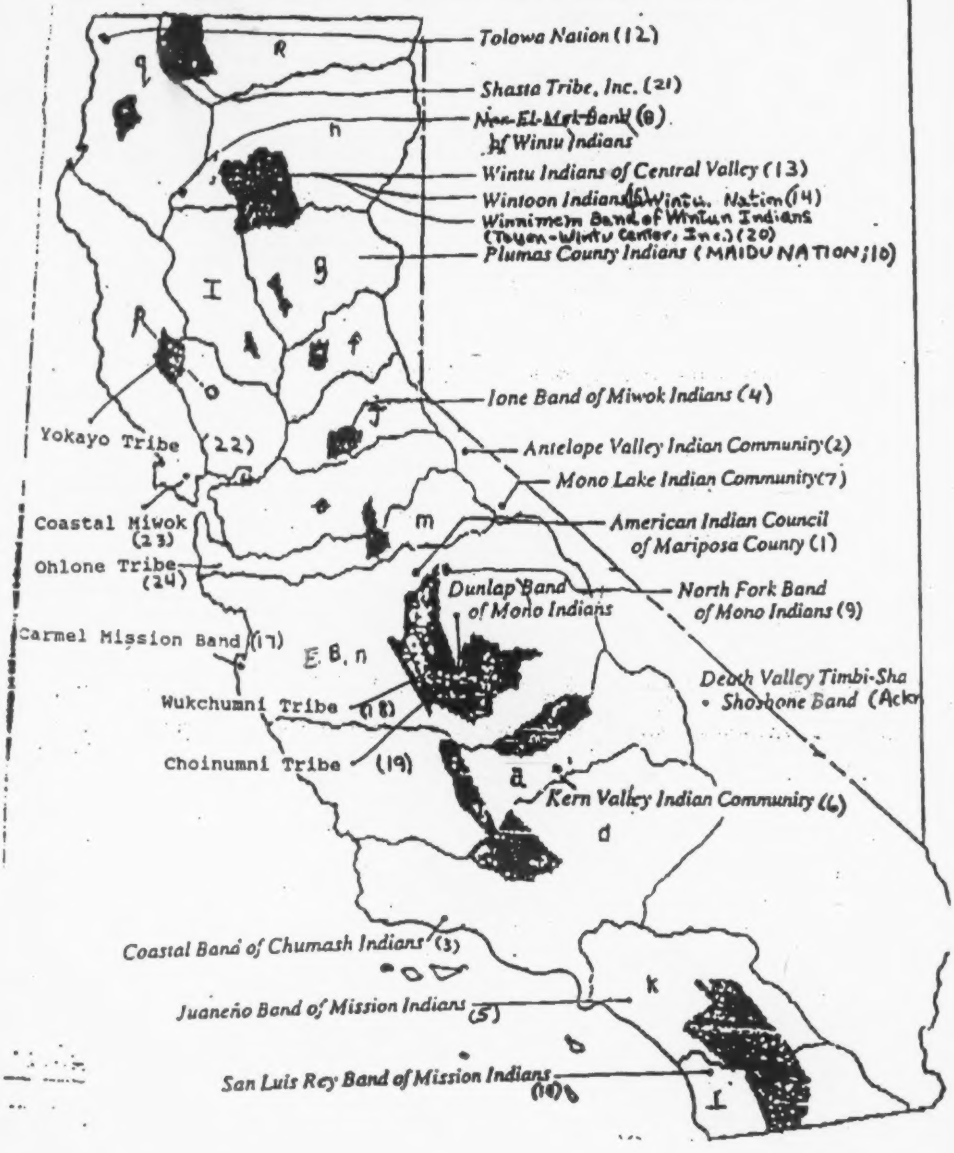
California Tribes Seeking Federal Acknowledgement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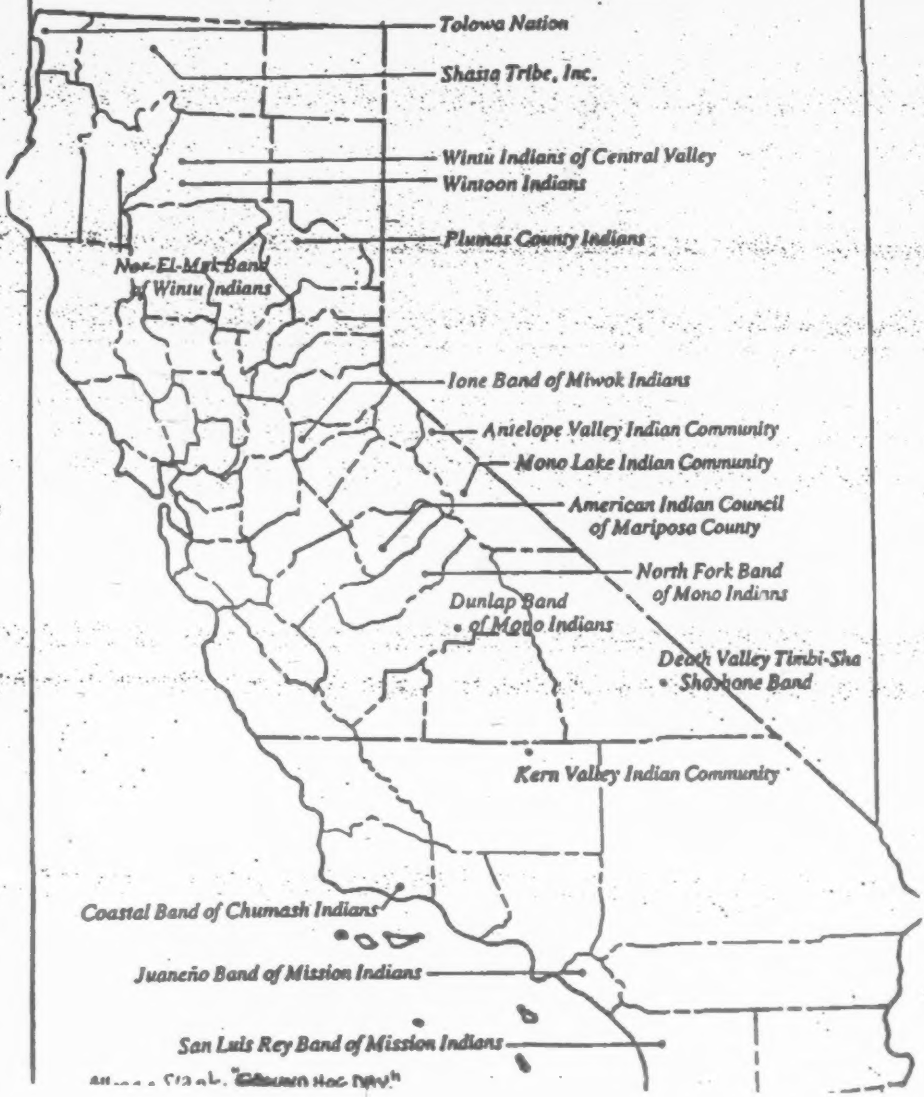
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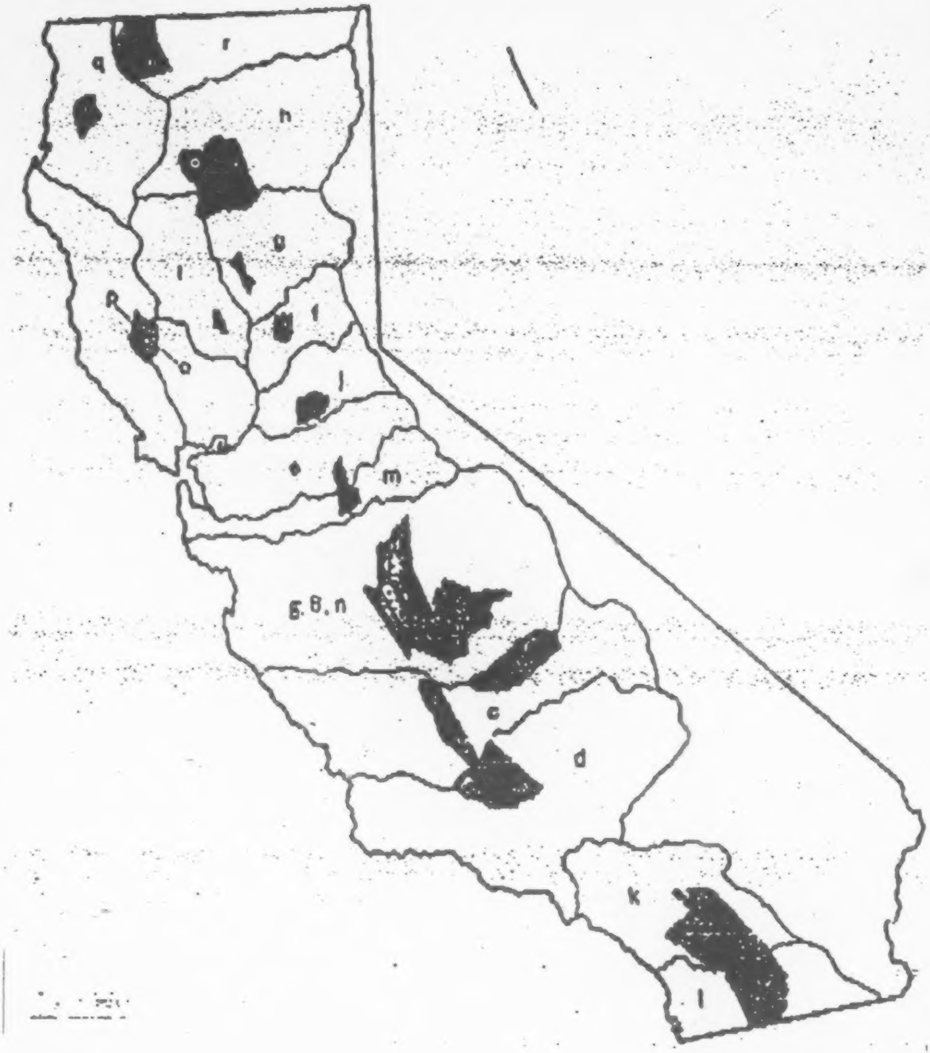
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